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Writings

@ Ankur Mutreja



Satire, Reviews, Opinions and Philosophy

Ankur Mutreja

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WRITINGS

@ ANKUR MUTREJA

Satire, Reviews, Opinions and Philosophy

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Ankur Mutreja

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Introduction

This book presents my views on various issues ranging from contemporary events to personal philosophy. The views have been accumulated over more than a decade through a continuous process of contemplation, acceptance, abandonment, re-acceptance and so on and so forth, and the process continues...on my website ankurmutreja.com. This book is, in fact, a consolidation of my views concretized on my blogs over years \x96 which can be accessed from my website \x96 and is divided into four sections: **Satire, Reviews, Opinions** and **Philosophy**.

To be very frank, this is my selfish attempt to influence you towards my worldview, but, trust me, I have a sense of humor; so, there is a strong possibility that some of my writings may entertain you; I would recommend anybody who has laid his hands on this book to at least check out the first section entitled Satire \x96 it is a very small section of just 14 pages and a pretty light reading. Then, you may move onto the Reviews section \x96 as a natural transition from ultra-light to light \x96 where I have reviewed **Travel Locales, Books, Movies** and more.

If you like the Reviews section, you will also enjoy reading my Opinions. I am an Advocate by profession, so I have written extensively on legal issues \x96 those with legal background may like to directly hop on to the **Legal** sub-sections \x96 however, I am oriented towards Human Rights, especially **Privacy (Liberty)**, **Equality (Non-Arbitrariness),** and **Women Rights**; so, my opinions on **Rights** precede any other opinions; other than this, I have good knowledge of economics and finance as well, for I hold management degree with major in finance, so my views on **Economy** are credible enough \x96 if you are not pre-occupied, why not read my opinions on **Politics** and **International** issues as well.

Last but not the least, the Philosophy; this section is divided into six sub-sections: **Privacy, Relations, Women, Abstract, Social** and **Political**. Well, this section is purely selfish. The only reasons I see you reading my philosophical views would be if either you immensely liked my other writings or you badly hated them. In either case, contact me from my website: ankurmutreja.com.

Enjoy Reading! Ankur Mutreja

Note: This book was published in May 2015, but I have added a comment dt.

25.09.2015 in the Chapter 3.5.1: Aarushi Murder Case Judgment: A Critique – an advantage of Indie Authorship.

Chapter 1: Satire

Chapter 1.1.1: Hurry Up! Entries Invited for Obama Latrine Clean Up

In a diplomatic coup, Modi has convinced Obama to clean up Indian latrines as part of his \x93Clean India Campaign\x94. Entries are invited from ordinary Indian citizens to send their stool sample for mandatory testing at the PMO. Lucky winners will get a chance to shake Obama\x92s latrine-clean hands in their own latrines. Hurry up! Only limited entries will be entertained! Twenty five percent reservations for the families of the US based NRIs/PIOs. Tentative date for the event has been fixed on 26.01.2015.

Note: Credibility of the above information is subject to the credulity of the readers.

Chapter 1.1.2: SC on Activism Spree

SC replaces Srini with Gavaskar, NaMo with Swaraj, SRK with Sallu, Baba with Bips, AK49 with CBI, Butter Chicken with Green Salad, MMS with\x85oops, that\x92s my right!

Chapter 1.1.3: CEC Crisis

All Election Commissioners put in their papers in protest against the SMS poll of the Aam Aadmi Party. The Aam Aadmi Party nominates Prashant Bhushan, Manish Sisodia and Yogendra Yadav as the new CEC team. Parliament proposes to debate whether it\x92s constitutional. The Aam Aadmi Party snubs the proposal terming it anti-people. The Team Anna terms CEC\x92s move as a conspiracy to sabotage Lokpal Bill.

Chapter 1.1.4: Result of Opinion Poll for Indian Army: Just Ignore BJP

Ms. Sushma Swaraj, BJP: Get ten Pakistani soldiers\x92 heads for one Indian soldier\x92s head.
Mr. Yashwant Sinha, BJP: Indian Army can retaliate without crossing the LOC.
Ramification: Get ten Pakistani soldiers\x92 heads without crossing the LOC.

I propose the following opinion poll to help Indian Army.

1. Seek divine powers from Shri Ram of Ramayana.

2. Learn black magic from *Baba Bengali*.

3. Just ignore BJP.

Opinion poll result: Just Ignore BJP.

Chapter 1.1.5: Being Gender Sensitive

I feel ashamed of myself today. It\x92s abhorrent that I am out rightly callous to the sensitivities of the fairer gender. For how long I have been living in this make believe world of mine thinking they like me the way I am: dirty and wild, almost beastly. I make the New Year resolution today that I will shave every day in the New Year \x96 shaved just yesterday, no mood to shave tomorrow. Kudos to Gillette\x92s **Shave or Crave** movement for making me gender sensitive. I really enjoy this new status of Being Gender Sensitive.

Chapter 1.1.6: Let's Make This World a Better Place

I am fed up of this inequality; therefore, I have decided to take a plunge in the democratic process. I intend to stand for the next general election as an independent candidate. However, I don\x92t have the funds to manage my election expenses. Therefore, I plan to launch a public issue of my prospective candidature. I intend to become an MP by 2014 and a minister by 2020. The pubic issue of my candidature comprises 10,000,000 shares of Rs. 10 face value each \x96 Rs. 100 MN is the minimum start up capital I need. Once I become minister in 2020, I intend to do a big scam of the scale of Rs. 1,000 MN, of which I shall garner at least 50% of the amount, i.e. Rs. 500 MN, which will then be the new value of my capital. Thus, the share of Rs. 10 face value today should carry a market value of at least Rs. 50 in 2022, which would give a return of 500% in ten years. There can be no better opportunity to earn big money. Come invest in your future; let\x92s together make this world a better place by distributing the fruits of democratic process to all.

Chapter 1.1.7: A Golden RTI Opportunity to Earn US Dollars

To,

The PIO,

Ministry of Home Affairs,

India

Subject: Request for information under the RTI Act

Sir,

Please provide the following information under the RTI Act:

- Residential address of Hafeez Saeed.

The above information is solicited for obtaining US Dollars 10 MN from the USA. The Rs. 10 RTI fees may be demanded from the US Government adjustable against the bounty to be received by me.

Sincerely,

Note: 10 year old kids are especially encouraged to file the above RTI application.

Chapter 1.1.8: Breaking News

Breaking News: Majnu Bengali of Lal Kothi, accused of theft, moves the Trial Court to make the Finance Minister a co-accused for following anti-poor economic policies.

Breaking News: Pappu Firangi of Bihari Jhuggi, accused of criminal trespass, moves the Trial Court to make the Urban Affiars Minister and the Lt. Governor of Delhi co-accused for not building enough houses for the poor.

Breaking News: Roomi Gloomy of Kailash Manjil, accused of obscene display on public street, moves the Trial Court to make the Minister for Women Empowerment a co-accused for not empowering the women enough to not to take up prostitution.

No more Breaking News: Samy Supari of Saffron Towers, for no good reason, moves the Supreme Court to make the Home Minister a co-accused in the 2G Case for choosing \x93First Come First Serve\x94 over \x93Auction\x94.

Note: For those who are extremely naive, all the news mentioned above is FAKE.

Chapter 1.1.9: India Is Now Less Corrupt than Singapore

The 40-year-old clerk dumped his 27-year-old wife merely two months later because she refused to wear a skirt and have sex with him but the wife returned to his side in May, agreeing to do all he wanted.

\x93I promised to give her S$100 (RM247) on the first night, and S$300 (RM740) every month after that,\x94 he said.

Sadly, she still failed to meet his \x93skirt sex\x94 demand and was again chased out of the house two weeks later.

Singapore is the most corrupt country of the world. Girls marry with the promise of wearing skirts during sex, and then breach their promises! Thanks goodness, every man in India has now become Anna (***Main bhi Anna Tu bhi Anna, Ab to Sara Desh hai Anna!)***. We can never have this kind of corruption in India.

Chapter 1.1.10: I Support the Call for Referendum

The agitation of Anna has brought a very important question of great constitutional dimension before the citizens of Delhi. Anna is agitating at Ramlila Maidan. Anna has already declared that he will end his fast but continue his agitation at the Maidan till the time a strong Lok Pal Act is passed. Now, the question before the citizens: **Once the *navratri* starts, should Ramlila Maidan be used for *ramlila* or for Anna\x92s agitation?** A referendum is a must on this question. This is a golden opportunity to experiment referendum. Delhi should snatch it.

Chapter 1.1.11: Free Legal Advice to \x93Lord\x94 Brahma

Lord Brahma, who has only one temple in the world at Pushkar in Rajasthan, has approached a local court in temple jurisdiction area through the mahant (priest) of the temple, seeking maintenance from his consort Savitri. Lord Brahma has demanded offerings of five days every month as maintenance. The mahant of Goddess Savitri temple, however, has been opposing the petition on the ground that it is the husband, who should pay heed to maintenance of his wife.

Free Legal Advice to \x93Lord\x94 Brahma

As per the Hindu Adoptions and Maintenance Act, 1956, only wife can seek maintenance; so, in the above litigation, \x93Lord\x94 Brahma is bound to lose. However, if he files for divorce, he can seek maintenance on passing of the divorce decree under Sec 25, the Hindu Marriage Act, 1955. However, he should first give a chance to reconciliation.

Note: All pray for the happy married life of Lord Brahma.

Chapter 1.1.12: Don't Rape Girls; Either Pay Them or Marry Them

Hearing a plea seeking a pre-arrest bail to a man, who had sex with a woman and later refused to marry her, the Delhi High Court established that getting a girl into bed on the promise of marriage and later refusing to tie the knot amounted to rape.
\x93If a girl surrenders herself to a boy who comes in contact with her for the first time only in connection with a proposal for her marriage and then enters into a formal ceremony of engagement\x85she does it not because she loves him or wants to have pleasure with him, but because she doesn\x92t want to disappoint her future husband,\x94 the High Court stated.

The Delhi High Court has hit it bang on this time. These kinds of losers should be dealt with like this only. Neither can they make enough efforts to find a \x93loose\x94 character girlfriend nor can they earn enough to employ a prostitute. I agree there are many thinkers who have considered marriage as institutionalized prostitution, but that doesn\x92t mean you will start having free lunches. If the guy has sex before marriage, he should either pay the girl or marry her. If the sex with a prostitute with a reneged promise of payment can be termed as rape, then why not the sex with a potential bride with a reneged promise of marriage be termed as rape too! It\x92s high time we started respecting girls. Don\x92t rape girls. Either pay them or marry them.

Chapter 1.1.13: Muthalik Kahin WOH to Nahin?

Pramod Muthalik was participating in a television discussion on Valentine\x92s Day, when a man ran towards him with an ink bottle and threw it in his face. \x93I will find him, whichever corner he is in. I will reply in the same way,\x94 said Muthalik.

This is completely unfair towards girls. When they sent him their pink *chaddis*, he didn\x92t offer them his saffron *langot*. Now, when some guy has played Holi with him, he wants to return the favor in kind. **Muthalik kahin WOH to nahin?**

Chapter 1.1.14: Mr. Singh Wants Size Zero Ministers

Prime Minister Manmohan Singh\x92s novel scheme of grading each ministry\x92s performance and giving a \x91zero\x92 to those ministries who have failed to achieve even 60 per cent of their targets has not gone down well with the ministers in his Cabinet.

Put your ministers on a strict diet and an aerobic routine. That\x92s a better way to get size zero. Anyways, being the monitor of the class, you can do whatever you want.

Chapter 1.1.15: In Re: Cop v. Dog

It was two men in khaki versus a woman and her dog at district\x92s Bhagwanpura village.

Head Constable Gulab Thakur and Constable Karan were in the village searching for an absconder. They got into a dispute with Buddhu Korku and his wife Rukmini. Rukmini first bit the head constable and then made her dog bite him. She then tore their uniforms.A case was registered against the couple.

What about the Dog? No case against it! I\x92m sure it must have also acted in territorial self-interest!

Chapter 1.1.16: No Dogs in Major's House Please

Kerala Chief Minister V S Achuthanandan\x92s controversial remark against the family of slained NSG Commando Major Sandeep Unnikrishnan has evoked widespread condemnation.

He had said \x94is there any rule that both the Karnataka Chief Minister and Kerala Chief Minister should go together to his (Sandeep\x92s) home? Not even adogwould have visited the house had it not been the martyr.\x94

Mr. Achuthanandan is wrong. If Major Unnikrishnan were alive, no dog would have dared go to his house or barked on being shooed away.

Chapter 1.1.17: NASA's Softdrink

NASA is launching a machine aboard the space shuttle Endeavour, which will recycle astronauts\x92 urine for consumption as water.

\x93We did blind taste tests of the water. Nobody had any strong objections. Other than a faint taste of iodine, it is just as refreshing as any other kind of water,\x94 the Telegraph quoted NASA\x92s Bob Bagdigian, the system\x92s lead engineer, as saying.

\x93I\x92ve got some in my fridge. It tastes fine to me,\x94 he added.

What an ENDEAVOUR! NASA can very soon start a soft drink business in competition to Pepsi/Coke. But don\x92t export anything to India, please.

Chapter 1.1.18: Is RBI Acting as Banker to India Inc Also!

India Inc gave a thumbs up to the Central Bank\x92s decision to undertake another round of drastic measures to ease liquidity in the financial system, including reducing repo rate by 0.5 per cent, CRR further by one percentage point and SLR by one per cent, saying this will have a positive impact on growth at a time when early signs of a global recession are on the horizon.

I don\x92t understand where all this money goes on easing liquidity; it must be going in the pockets of India Inc. I feel the pinch in my pocket even more with the increased liquidity because of the growing inflation. The Central Bank seems to be complying diligently with the demands of India Inc, but isn\x92t it supposed to be the banker to the Govt. of India! Is India Inc the proxy Government of India, for whom RBI generates money not by printing currency, but by easing liquidity!

Chapter 1.1.19: Riznawur Commited Suicide by Marrying a Rich HINDU Girl

The CBI has secured suspension of passports of Ashok Todi and his brother for their alleged role ininciting Rizwanur Rehman to suicidelast year, a month after his marriage to the industrialist\x92s daughter.

Has CBI gone nuts? As far as I remember, Rizwanur committed suicide at the first place by marrying the daughter of a rich HINDU industrialist. How can Todis be held responsible for it! Ya, OK, he was adamant not to die and wanted to save his marriage, and, thereafter, he died under mysterious circumstances. So, are you saying the mysterious death of Rizwanur was suicide, and the pressure of the Todis on Riznawur to annul the marriage was an incitement! Come on! Why would powerful people like Todis incite him to suicide when they can so very easily kill him, with all state machinery also expected to help them in first murdering him and then saving them from getting charge sheeted for any murder charges.

Chapter 1.1.20: Thackereys Should only Warn Each Other for Humanity Sake

Shiv Sena chief Bal Thackeray today warned all the industries not to retrench the people in the name of economic recession worldwide or else they will have to face severe repercussions. He lashed out at his estranged nephew, Raj, for staking claim over the reinstatement issue and questioned his childish ways, describing him as the newly born bird on the political horizon.

Bal Thackerey goes a step further and warns not only the Aviation but all industries. Now, what is Raj Thackerey gonna do? Best warn your uncle: Given he is so powerful, you will become even more powerful by warning him. This way so many less powerful people of the corporate world like Tatas, Ambanis, Birlas, etc, who are so scared of the Thackereys, will also feel safe and secured -- and the kids of the political horizon will also carry on.

Chapter 1.1.21: Side Effects of US Subprime Crisis: Bail-Out Package for IT Professionals

The global recessionary trends have affected the young employees of the Indian software industry in Hyderabad in more than one-way. While on one hand it is has spelt job loss fear, on the other hand, the parents of brides-to-be are no longer in search of IT grooms for their daughters.

A mother of a would-be bride said she would prefer non-IT professionals for her daughter seeing the latest trend.

\x93It fluctuates. Day-to-day it can change. What is happening now could be a short phase,\x94 said Sharda Singh, mother of a would- be bride.

A father of a would-be bride expressed his concern too saying these ups and downs are bound to take place in any economy.

\x93There will be some ups and downs in anybody\x92s life like that any sector in a country or the world can also have its ups and downs,\x94 said Rama Rao, father of a would be bride.

Some parents said they did not want to take interest in the marriage proposals of IT professionals any more as they were too scared of recessionary trends. \x93I am very afraid of its effects,\x94 said S Krishna, father of a would- be bride.

After bailout packages for banks, airlines, industries, etc, we need a bailout package for IT professionals. The US Sub-Prime Crisis is affecting India more than it is affecting the US.

Chapter 1.1.22: Shiv Sena Focuses Its Attention on More Vital Issues

Taking a serious note of cricketer Harbhajan Singh\x92s dance as \x91Ravana\x92 on a TV show, Shiv Sena (Hindustan) raised anti-Bhajji slogans and burnt his posters in front of his residence in Daulat Puri area demanding an unconditional apology.

Lord Shiva would be happy today. At least there is one political party which is not selfish enough to waste its time on trivial issues like Global Financial Crisis, Inflation, Nuke Deal, Global Warming, Poverty, etc, but, rather, focuses its attention on the more vital issue of checking Ravana from becoming popular.

Chapter 1.1.23: India Marrying a Dead Corpse

The elation among members of the US business lobby and Indian American community leaders after President Bush signed the US-India civilian nuclear deal legislation into law in the East Room of the White House was almost uncontrollable.
Swadesh Chatterjee, the founder and coordinator of the US-India Friendship Council, said: \x93Such things don\x92t happen very often. This is absolutely our greatest moment as I said before after the Senate vote, in the US-India relationship and I am so proud to be an Indian American and to be part of this great history-making event.\x94

History is definitely going to be made. India will become the first country ever to marry a dead corpse and then set herself afire in the old Indian Sati tradition.

Chapter 1.1.24: Hooda Is Innovative

Maharashtra offers Tatas red carpet for Nano plant

Andhra Pradesh offers free land for Nano project

Gujarat joins race to get Nano project

Punjab to approach Tata for Nano project

Khanduri offers Tatas to bring Nano to Uttarakhand

Yeddyurappa woos Tata for housing Nano project in K\x92taka

Rajasthan joins bid to woo Tata\x92s Nano project

Naveen Patnaik invites Tata to set up Nano project in Orissa

Jharkhand government criticised for not enticing Tatas enough

Madhya Pradesh invites Tata to set up Nano plant

Hooda invites Swami Ramdev to set up Yoga University

HOODA IS INNOVATIVE

Chapter 1.1.25: Defintition of Patriot

VHP General Secretary Prof Venkatesh Abdeo ridiculed the demand of a ban on the VHP and Bajarang Dal. Talking to mediapersons, Mr Abdeo said \x94the people who are demanding this ban are going and meeting the terrorists and even demanding that the ban on SIMI should be lifted.\x94 He said these people will never understand the difference between traitors and patriots.

VHP is to be blamed. They never defined a patriot in clear terms. Anyways, **I will try to define a patriot** without prejudice to the definition of a terrorist:

1) Those who take state machinery like police, administration, ministers, etc, into confidence before launching terror attacks are patriots.

2) Those who can buy media into presenting a better picture for themselves are patriots.

3) Those who kill openly and brutally with swords & daggers without caring about planting bombs are patriots.

4) Those who justify killing as mass upheaval or as any other fancy term are patriots.

5) Those who are democratically elected killers oops politicians are patriots.

6) Those who help intelligence agencies in identifying terrorists and are never identified as terrorists themselves are patriots.

Chapter 1.1.26: Navratra in White

People in Rajkot have started bookingcolourful dressesfor the Garba on the occasion of Navratra. \x93I will wear nine different dresses during the next ten days. I have come to make a selection for that purpose so that judges look at me and elect me the prince during the festive dance,\x94 said Malai Kotak, a child.

The toll in the Chamunda Mata temple stampede, has risen to 224, an official spokesman said.

Colorful dresses! But, unfortunately, no color can takeover white this time.

Chapter 1.1.27: Stampedes v. Terror Attacks

Stampedes are bigger killers in India than bomb blasts that so dramatically capture our mindspace. In 2008 alone so far, over 360 people lost their life in major stampedes compared to 156 killed by bomb blasts.

But, there is a difference: Stampedes are suicidal deaths, which are not crime under the IPC; whereas, terror attacks are murders, which carry the maximum punishment under the IPC. Of course, instigation to commit suicide is a crime, but no one ever gets booked for instigating religious suicides.

Chapter 1.1.28: Advice for India: Atleast Don't Get the Virus

India on Wednesday sought to downplay the controversial provisions of a bill cleared by the Senate Foreign Relations Committee on the India-United States nuclear agreement with a rider that will prevent the transfer of nuclear equipment, materials or technology from the Nuclear Suppliers Group countries or any other source in the event of New Delhi conducting a test.

\x93I would not like to comment on their internal process,\x94 Foreign Secretary Shiv Shanker Menon told reporters when asked for the Indian government\x92s reaction to the Senate Committee\x92s clearance of a bill with a rider. \x93We are not going to comment on what they (Congress) do internally,\x94 he said.

I must appreciate the US. They are brashly truthful about their intentions to f___ India. And, India is also brashly shameless about its pathetic status in the relationship. Pleasure, for some, can come from complete domination; but, for others, from complete submission to sadism. But, an advice for India: **At least don\x92t get the virus.**

Chapter 1.1.29: Balapur Ganesh Laddu Shouldn't Be Auctioned

The famous Balapur Ganesh Laddu fetched Rs 5.07 lakh in an auction held in the final stages of the Vinayaka Chathurdhi and Ganesh idols immersion today. The devotees believe that their families would prosper and possess abundant wealth, if they spray the laddu in their agricultural field.

I strongly condemn this practice of auctioning national treasure like Balapur Ganesh Laddu. This is the filthiest form of Capitalism. Such precious articles should be declared public property, and no one person should be allowed to garner extraordinary profits out of it. The Government should immediately confiscate this Laddu and make a billion exact replica of it with the sincere services of the modern Godmen like Ravishankar, Ramdev, Shankaracharya, Sathya Saibaba, etc. Each Indian has a right to spray this Laddu where ever he wants, whenever he wants, and become rich and prosperous.

Chapter 1.1.30: Rules of Survival in Bombay oops Mumbai

Continuing their protests against the Bachchan family even after Jaya Bachchanapologised for speaking in Hindiat a function on September 6, Maharashtra Navnirman Sena (MNS) activists pelted stones at the PVR theatre in Juhu in north-west Mumbai, where the premiere of Amitabh Bachchan\x92s latest movie \x94The Last Lear\x94 was scheduled.

I am surprised that after living for so many years in Bombay oops Mumbai, Jaya Bachchan could make such a mistake! For the benefit of the Bachchans, there are certain other rules which they need to follow at all times for survival in Bombay oops Mumbai:

1) Give seat to a Marathi lady in preference to any other lady (if ever Bachchans travel in any public transport) and apply this rule intelligently in other similar situations.

2) Never ever in your wildest dream make fun of Shivaji.

3) Thackereys are the self acclaimed representatives of Bombayites oops Mumbaikars, and give them respect for this very reason, out of fear, of course.

4) Learn to accept that a non-Marathi is always wrong in Bombay oops Mumbai, whatever may be the dispute.

5) It\x92s Mumbai, not Bombay

6) And, most importantly, always remember that the color of soil in Maharashtra is RED.

Chapter 1.1.31: De-Facto Nuclear Power Status of India

The Congress on Saturday hailed the NSG decision to provide a waiver to India stating that it is a unique development that confers de facto nuclear power status to the country.

Terming it as the \x93greatest event in the 20th-21st century,\x94 party chief spokesperson M. Veerappa Moily said countries that were hostile to India after New Delhi conducted nuclear tests and the P-5 (permanent five members of the U.N. Security Council) had agreed to the waiver. \x93We have become P-6. It is a historical event,\x94 he said.

We have really reached a landmark. This de-facto nuclear power status of India is nothing less than the Government-in-Exile status of the Tibetan Government.

Chapter 1.1.32: Increase Police Budget for Better Results

Arun Kumar (22) was arrested by T Nagar Police on charges of stealing 40 sovereigns of gold from his friend\x92s house. He lost nine fingers allegedly due to torture by police. He moved Madras High Court seeking a compensation of Rs ten lakh.

This just doesn\x92t make sense. For 40 sovereigns, nine fingers! And compensation of ten Lakhs for nine fingers! It is again the mistake of the police. They didn\x92t do their job well. If, instead of nine, they had cut ten fingers, all the figures would have matched: 1 finger for 4 sovereigns each, and 1 Lakh for every finger. I think the TN police work on a tight budget; the TN Government should increase the budget of the police so that they can perform their duty of torturing people fully and satisfactorily, without worrying about the prospective costs. And, also the court, while awarding compensation, should take into account the annual budget for torture duty related expenses minus the hard-earned private money received by the police for inflicting torture and should accordingly award compensation.

Chapter 1.1.33: White Clad Civilian Nuclear India

As the second meeting of the Nuclear Suppliers\x92 Group draws near, it would appear that India is ready to make some concessions. It has downgraded its demand from an \x93unconditional\x94 to a \x93clean\x94 waiver. \x93We have made it quite clear that we are interested in clean waiver from the NSG. We have presented our case. We have made our position clear to interlocutors,\x94 said external affairs minister Pranab Mukherjee.

The word \x93clean\x94 means bleaching to make it all white as liked by the \x93White House\x94. And, rightly so: The Civil Nuclear India should only wear white clothes after losing the Strategic Nuclear India in the Indo-US nuke deal. This is in sync with the long standing Indian tradition. However, courtesy the movie \x93WATER\x94, I know that the White Clad Indian Widows are often forced into prostitution. But, the US wouldn\x92t do this to India; will it?

Chapter 1.1.34: Marathi Soil is RED

Bal Thackeray\x92s Shiv Sena is vying with the Raj Thackeray led Maharashtra Navnirman Sena (MNS) to get political space on the issue of Marathi signboards.

While the MNS deadline for Mumbai shop owners to change their signboards from English to Marathi has ended, the Shiv Sena has asked Brihanmumbai Municipal Committee (BMC) to enforce Marathi signboards on traders and shopkeepers.

The Thackereys are the sons of the Marathi soil, and, therefore, they want to color the English soil (Bombay) into the color of the Marathi soil (Mumbai); however, it is just unfortunate that the color of soil in Maharashtra is RED.

Chapter 1.1.35: Territory Expansion by Men Is Easy, Courtesy Police

A new study has revealed that a Jamaican lizard called the Anolis engages in impressive displays of reptilian strength \x96 push ups, head bobs, and threatening extension of a colourful neck flap called a dewlap \x96 to defend its territory at dawn and dusk. While female anoles establish small territories allowing access to food and other resources, while males stake out larger territories allowing them access to several females. The dawn chorus may be a way of communicating having survived the night. If in the morning a bird doesn\x92t hear its neighbour, or an anole doesn\x92t see its neighbour, it may be an opportunity for the animal to expand its territory.

For men, it is so easy: They just need to earn lots of money and give a part of it to Police, to defend and to expand territory (including access to several women).

Chapter 1.1.36: Mia Bibi Razi to Kya Karega (Strictly Male) Quazi

Muslim clerics have questioned the sanctity of a marriage of a Sunni couple under the Shariat law which was solomonised by a Shia women Quazi

I used to think that at least in Muslims it doesn\x92t matter what the Quazi thinks, and that\x92s what the law also states (Muslim marriage is an agreement, not a sacrament). But, no, it seems I was wrong: Muslim couples can marry sans a male Quazi but not in the presence of a female Quazi. Come on, at least make an exception for a **Burqa-Clad Female Quazi.**

Chapter 1.1.37: Mukesh Ambani does it Again

The tree-lined Altamount Road is a favourite of India\x92s \x93very rich\x94, Wealth-Bulletin said, and added that it was \x93catapulted into the ranks of the world\x92s most expensive when India\x92s wealthiest individual Mukesh Ambani unveiled plans last year to build a residential apartment block on the street at a cost of around $1 billion\x94.

Proud-to-be-an-Indian Mukesh Ambani has added another feather to his cap by getting Altamount Road included in the Wealth-Bulletin\x92s world\x92s most expensive streets in the world, courtesy the extraordinary 27-floor building, called \x93Antilia\x94, to be build by Mukesh Ambani on Altamount Road, Mumbai. His patriotism has no bounds!

Chapter 1.1.38: Xbox 360 | the Modi\x92s Gujarat

The game is \x93Xbox 360 | the Modi\x92s Gujarat\x94. Modi is the champion, and Gujarat is the battle field. The first round went to the Mujahideens: Damage 50 and counting. Modi stages a come back in the second round: 21 bombs recovered and defused in Surat with one of them 20 meters away from the site where Modi was 1 hr ago; damage zero! Modi\x92s spirits are high, and he is all set to triumph in the other rounds in Rajkot, Vadodra, Gandhi Nagar, etc. Modi is already a champion in the Xbox 2008 championship and all set for the next; **but, are the people of Gujarat ready for it because it is just not a game for them after all.**

Chapter 1.1.39: The Shiv Sena\x92s Taj Mahal

The Shiv Sena claims **Taj Mahal** as an ancient Shiva temple. Now this is some disillusionment. I have been thinking that Taj Mahal was built by Shahjahan in the fond memory of his wife Mumtaj Mahal. I feel pity for the sorry state of our educational system: What all nonsense is put into the innocent minds in the name of historical proofs and evidence! Is there no credibility of the divine knowledge which the Shiv Sena possesses!

We need more political parties like the Shiv Sena so that we can rightfully claim **Jama Masjid** as an ancient preaching centre of Lord Krishna; **Qutab Minar** as an ancient helipad of Shri Hanuman; **Charminar** as an ancient secret hiding place of the *pandavas* during their *banwas*; **Red Fort** as Prithvi Raj Chauhan\x92s ancient holiday resort; and each and every neighborhood mosque as an ancient Vedic library or an ancient old-age home or an ancient Shri Hanuman *akhara* or an ancient *guli-danda* club or\x85

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 2: Reviews

Chapter 2.1: Travel Locales

Chapter 2.1.1: Shillong, the Beauty

I visited Shillong, which is the capital of Mehgalaya, in August 2014. In fact, it was a side-visit to kill time, but it was indeed time well-spent. It was a Sunday afternoon when I reached the main city centre; the striking feature of the place was exuberance of well-dressed young guys and gals; it looked some kind of a dating feast, but, all I can remember, the day was that of *Rakshabandhan*; however, in Meghalaya, unlike in Gujarat, people don\x92t suffix names with *Bhai* and *Behan*; so, it must have been a dating feast only \x97 at least I thought so and immediately bought a deo without realizing I have grown passed that age. Nevertheless, the beauty of Shillong is not limited to its pretty girls; the place itself is pretty-pretty.

The day being Sunday, all tourist attractions were closed, and I didn\x92t have time and energy to visit the off-city places; so, I just started wandering in the city on-foot and soon realized it was a decision well made. On the way, I also ended up meeting some tech-savvy, young *Bengali* students, who had been wandering with the help of GPS for more than a week then; so, they became my natural companions \x97 anyways, I have a liking for the Tech-Savvy Youth. Our mutual goal was to reach the Golf Course from the Raj Bhavan, which was some 4-5 KMs distance. To be very frank, after some time, I felt out of place with them: first, they were taller than me; secondly, they were not sharing their GPS with me; thirdly, they were speaking an alien language; and fourthly, I think, they were also making fun of me in their alien language. Nevertheless, I persisted and tried ignoring them for the beauty of the place; and, *voila,* it worked.

Shillong is an extremely beautiful place. The distances are small and scenic; therefore, most people traverse them walking. I didn\x92t intrude into the neighborhoods, but, from a distance, the houses looked cozy and cute, well-knit into the whole with an identity; and, the big houses, like those of the Chief Justice and the Chief Secretary, were alluring. The pathways were decorated with plantation, and the litter was conspicuous by its absence. The Golf Course is at a depression to the Raj Bhavan, so most of the distance traversed was downhill, and therefore, the view was clear and penetrative, giving an impression of dominance over the landscape; and thus the feeling was king-size \x97 many a times I just felt like jumping and roaring into the slopes like a tiger, but the GPS brought back sanity. However, as soon as I reached the Golf Course, I did run a lap but more elegantly like a stud \x97 by then I had obviously

forgotten about the deo, but, I think, the elegant run did impress some virgin mares.

Finally, after some running and sauntering on the Golf Course and some chit-chat on Aurobindo, we returned to the city centre \x97 this time in a Taxi \x97 exchanged pleasantries and moved on. Movement is the key; the pretty halts are sexy, but the eagerness to run together brings people/things/places close, with or without Deos. © 2014-2015 Ankur Mutreja

Chapter 2.1.2: Agartala City

Agartala is a city which is more or less unaffected by the capitalist onslaught, which prompted me to visit this city to check out whether the city offers any alternative promise. Well, let me state at the outset that I am disappointed. I would have much liked to understand the politics of the place because the management of the city is undoubtedly under the complete influence of the politicians, both organized and unorganized. However, without knowing the local language, it is next to impossible to understand the politics especially in a short span of 3-4 days. Nevertheless, let me state that Agartala City has thrown up a Congress MLA ever since 1998, but the Communists rule the Municipality; I am not sure whether the BJP/RSS have any significant presence in the city, but they have certainly set up bases in Tripura and are imparting preliminary training to their cadres, who, through their extrovert intervention in the societal matters especially involving disputes, might have gained some speedy presence in the politics of the city; and I saw one single poster of Mamta Banerjee near MBB college.

However, the politics also manifests itself in the day-to-day experiences of the people. Frankly speaking, I had no intention of getting involved in such experiences, but, unfortunately, I got involved nevertheless.

First and foremost, I have to make it clear that the majority of people there were very helpful; they, in fact, wouldn\x92t even differentiate between the outsiders and the locals, which might also be because the *Bengalis*, with whom I have had most of my interactions and who dominate the politics in the state, are themselves a kind of *Hindu* Bangladeshi refugees in Tripura, which has also led to insurgency situations in the past. However, there are a few experiences which make me believe that regional parochialism, which is an identity symbol of the right-wing politics, is also present in this Communists\x92 ruled city. And, one bad experience takes away in a single stroke what ten good experiences might have produced in the past!

Now coming to my bad experiences:

Urban Transportation

The People there use shared auto-rickshaws for urban transportation, which works pretty well and offers great flexibility, but only till the time the arbitrary rules of the rickshaw drivers don\x92t spoil the game. I must say I traversed the

whole city and beyond on these auto-rickshaws pretty comfortably until I could very clearly see the discomfort of the rickshaw drivers in entertaining the outsiders/tourists. The manifestation of the discomfort was also very interesting and also amusing. Ever since morning, I would be asked by the rickshaw drivers whether I was carrying the exact fare amount like Rs. 7, Rs. 8, etc., in exchange, to which I offered conciliation by agreeing to forego the small return-exchange amounts. However, at least one rickshaw driver threw me out of the rickshaw because I was not carrying the exact fare, and he was a Bengali. Incredible but true! The reason was not that I was not carrying the exact fare amount as I offered the same conciliation to him as well, to which his argument was that I was traveling alone, the rickshaw capacity was four persons, and there were two other passengers already sitting in the auto rickshaw, and, if he would get a pair in the way, he would lose on them; so, I should either offer him the exact fare or else pay him double the fare so that he could compensate for the prospective fare loss. Of course, this argument is arbitrary, incoherent, irrational, too far-fetched, and a clear manifestation of the unwelcome attitude/bias towards outsiders. But, why should I blame the entire system for this one off-the-cuff personal incident? Well, the answer is simple: it is because this might well not be an off-the-cuff incident unless I was being targeted by the bigger political forces, which, of course, was not the case. But, the bigger problem is that the system allows for such an occurrence to take place. Everything has been left to the local politicians, who, with their lack of knowledge and wisdom, leave scope for such arbitrary and biased behavior through the arbitrary systems and rules set up by them. I wonder which sensible system can allow for dislodging of a person for not carrying exact fare amount. This might also be a problem with the regional transport mini-buses, in which I did not travel. Everything would have been fine if the state was offering the travel options for the tourists: they organize tourist packages through their tourism department, but, for that, they require minimum of three tourists, else the single person has to pay triple the amount. Anyways, the tourism website itself encourages the tourists to travel in locally available travel options by offering advisories like the tourists could take a bus to so and so place and locally available options like autos/jeeps, etc., thereon to the ultimate destinations. I don\x92t think this kind of urban transportation system can offer any alternative.

Fooding

Eating-out seems to be a serious problem in this city. Of course, there were five

star restaurants, but they were not viable options for all. The problem is that there were no regular economically-priced restaurants like the southern *Udupis* and the northern *Dhabas*. There were plenty of road-side fast food joints, which offered *momos*, rolls, omelette, etc., but these things can\x92t be eaten at all the times, nor were those places very hygienic. There were some cafe houses which offered pastries, sweets, etc., and they were pretty good, but they can\x92t fill up for the proper restaurants. The restaurants were either below-par or too expensive. Now, coming to my experience in the restaurant I visited. The restaurant wasn\x92t really on the economical side because the prices of the vegetable curries ranged from Rs. 125 to Rs 250, which is definitely not economical. A good lunch for two would drill a hole of at least Rs. 500 in the pocket, so I would consider it an expensive restaurant. The service was greedy, pompous and indifferent: If I would ask for water, the attendant would present bottled water by default, irrespective of the order; if I would ask for *Veg. Biryani*, the attendant would argue that *Biryani* can\x92t and shouldn\x92t be consumed without a side-curry, so I should order one; if I would order for a soft-drink, he would bring the bottle at the table, open it right there, and leave it for me to pour it in the glass. The food was good but the service was pathetic, but I still left the tip. Why?!!

But, what difference does it make? To be very frank, it doesn\x92t make any difference to me. I am against fine dining and like hygienically cooked, reasonably priced food to be served to all and sundry. However, the problem here is that it was supposed to be a Communist city, but the people over there determined the statuses by a person\x92s capacity to spend on food, which is obnoxious. I had a small talk with a fast food joint manager/owner who was running the joint with the namesake of a big popular restaurant, and he kept stressing the point that the high status elite gentry could only go in the namesake restaurant; so, the conclusion is inevitable that there was recognized an elite class which enjoyed the services of the five star restaurants, but the others ate unhygienic food; this is worst than capitalist cities.

I have had a seriously bad experience in lodging as well, but I am not discussing it because it has no established correlation with the scheme of this writing.
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Chapter 2.1.3: Auroville

(As I wrote in June-July 2014)

I am here in Auroville for vacation when the Aurovillians are vacationing elsewhere, so I am trying to make friends with dogs, cats and cows \x97 no luck with the dogs till now though the cats seems to have got attracted with my looks, but the cow milk is for kids and, anyways, I don\x92t like milk \x97 and this is actually the real challenge in Auroville, for the man here has ingrained politeness. However, the most intriguing thing is the diffusion of politeness even among the local Tamilians. But, that doesn\x92t satisfy my cynical self. I know I am doing injustice to this place by writing below what I am first because I have been here only for two days, so it\x92s premature, and secondly it is also lopsided and speculative.

I have some serious doubts about the feasibility of this experiment. The stated purpose of Auroville is to establish statuses on the basis of knowledge and self-worth of a person, not his material possessions, acquired and inherited. But, I already have inklings that an average Aurovillian is money minded. As far as I have understood, an average Aurovillian here is engaged in a small business or in an executive/administrative/knowledge job. Though it is a premature observation, but, I think, in general, the foreigners are the managers/entrepreneurs, and the Tamilians are the workers. There definitely exists an elite class, which is controlling the decision making: I think there are big entrepreneurs, community leaders and governors, who work in tandem and make decisions. The role of the big entrepreneurs seems to be to fund subsidies, which must be giving them power, but let me clarify that the big entrepreneur here is no bigger than a small five star restaurant owner or a small factory/workshop owner, so the local community \x97 which is sometimes ludicrously small comprising just two-three people \x97 must be having a substantial say in the matters concerning them. However, I have felt that, in spite of a maintenance allowance, an average Aurovillian wants to earn more, which could be either to enter the elite club (which means the people are not satisfied with their statuses and the work *per se* and, still worse, they think that money can buy them status) or to fund their finances (which means those who can\x92t fund their finances are looked down upon by themselves or by the fellow Aurovillians; in either case, it reflects a failure); though it is Utopian but one possibility is also that the Aurovillians take pride in contributing to the

community, and the best an average Aurovillian understands contribution is through financial contribution; however, my cynical self is failing to accept this possibility. Whatever, one thing is for sure that there are existing statuses which are not purely knowledge based, which manifests best in the houses occupied by the Aurovillians: some people have amazingly magnificent houses, yet others have none. They are trying to address this issue, I would say, insensitively: they are building apartments with shared toilets \x97 I don\x92t know who came up with this brilliant idea, but one thing is for sure that Auroville needs to reserve some space for construction of a mental asylum very soon; come on, community living is about sharing ideas not underwear. Any society believing in non-elitism and non-materialism would first and foremost remove the first sign of elitism, which is irrational and obscene occupancy of scarce resources especially land, which in the case of Aurovillle should mean the complete redistribution of land.

There are more negative signs that I have encountered, but those need further exploration, so let me reserve them for another day \x97 by then, the dogs will be friends, and the snakes will take over in the not so very polite manner.

Addendum

Well, whatever this experiment practically is, at least in theory it is good except for a tilt towards *\x93Hindutva\x94*, so I am not writing anything negative anymore because I have a bias in favor of this experiment. Above, I didn\x92t discuss the Global Recession as one of the reasons for the money-mindedness of the Aurovillians, but it seems that might be one of the big reasons for this money-mindedness. It seems their European grants, as well as exports, have shrunk, and, therefore, now they are trying to fund their experiment themselves, which might have made at least some of them money-minded, which is an external challenge to the experiment. I can say with a certain degree of authority that cost cutting is always a better way to tackle recession, local or global \x97 Integral Yoga should incorporate that flexibility. About dogs, the man like dogs because it can tame them to its benefit, but, with the advent of incredible technology, privileged men can now tame less privileged men by infringing their privacy fully and finally \x97 there is a clear vibe on the internet that intrusive brain reading is possible, I have researched a bit and am convinced about its veracity (refer Ch. 3.1.1). The dogs will then loose preference to the less privileged men, but I only hope that the less privileged men may not spread rabies thereafter.

2nd Addendum

The Positives

1. Matrimandir Meditation Chamber: I don\x92t do meditation. Actually, I don\x92t understand what they mean by mediation, and how it should be done. Some people say the meditation is when the random thoughts cease, and the mind becomes relaxed and free. I attended the mediation session on two occasions. The first time I had not slept properly, therefore I went to sleep, and when I woke up, I felt refreshed. The second time I had slept well and was wide awake; therefore, I started experimenting and found that the sunlight in the chamber falls on a ball in such a manner that if you close your eyes you see an image of a flying bird; however, the more interesting is what you see below the bird; I opened and closed my eyes 4-5 times, and each time I saw some different religious symbol, and then I observed the ball carefully and thought in my mind that I am an atheist, and then I saw only a flying bird with a blank block below it. Relaxed, I definitely was, but random thoughts never ceased; whatever that means.

2. Flora: This place has been built on a barren land, and what they have done to the place is amazing. The flora is omnipresent and extremely soothing. I rode bicycle on the cycle paths, which run through the forests and are surrounded by trees and plants all around. The temperature in Auroville is similar to that of Delhi, and riding a bicycle in Delhi at this time would be unthinkable, but there it was pleasant; regrets that I couldn\x92t explore fauna mainly because I was scared and unprepared.

3. Attire: The standard attire of the people there is shorts and t-shirts. Most of them are healthy and fit, and, therefore, the clothes they wear look good on them, whether young or old. Moreover, I think the attire also match up with their attitude, which is informal and laid-back.

4. Attitude: The attitude is definitely laid-back. People are mostly not in a hurry, and it is evident that the decisions are taken after lots of deliberation, and, what I observed, the things work pretty fine and easy. There are a few streetlights, and the people themselves don\x92t venture out at night. They, as a matter of course, separate solid waste from other waste. Doors are not locked at night because nobody steals. There are no police vans and police posts; the six-seven guards manage everything, and who are always very helpful. The rules are always followed. If there is a note on a water cooler asking people not to fill water bottles, nobody does it \x97 I did it.

5. Creativity: The most interesting thing about the place is the caliber of the people living there. Many of them are capable of being highly paid executives or administrators but have chosen a mellowed lifestyle. However, their expertise gets manifested in the kind of research and work that is being carried out there. Renewable energy is a definite area of focus, and the projects under contemplation include things like a graded lake system fed by desalinated sea water to be used for beautification of Matrimandir, for an alternate water supply system and for electricity generation; a full-fledged e-transportation with complete ban on petrol/diesel vehicles within the city; a self-sustaining electricity generation at the community level without any linkage with the national grid, etc.

There are more positives, but I have not been able to explore them much because I was overwhelmed by the people\x92s romanticism towards the place and wanted to explore the negatives to maintain the balance. But, in hindsight, it seems a neutral approach would have been better. Anyways, it\x92s never too late to explore.

3rd Addendum

Above, I have mentioned that the Aurovillian experiment has a tilt towards \x93Hindutva.\x94 I think that would not be legally correct. The SC has restricted \x93Hindutva\x94 to the philosophy propounded by Savarkar and separated it from Hindu Nationalism, which is certainly based on the Hindu religion especially Vedanta, but not \x93Hindutva.\x94 Following that, neither the Aurovillian experiment can be said to be having a tilt towards \x93Hindutva\x94 nor Aurobindo\x92s philosophy can be called \x93Hindutva\x94 philosophy, even when it is strongly influenced by Vedanta in specific and the Hindu religion in general\x96 just for record, I am a pro-science atheist non-believer, and the faith propounded in Vedanta doesn\x92t appeal to me. Also, I didn\x92t find any visible influence of RSS/BJP in Auroville, which is a strong positive. ©2014-2015 Ankur Mutreja

Chapter 2.1.4: Puducherry, the Mission Idli

I don\x92t know why but I had this urge to eat the Tamil *idli* as soon as I entered Pondicherry. But, to my surprise, the small kiosks to the big restaurants, nobody was willing to serve *idlis* in lunch. But, as adamant as I am, I immediately embarked upon "Mission Idli" on the lesser known streets of Puducherry (meaning the new city), ignoring the French Boulevards, the Beach Road, the Aurbindo Ashram, and the pretty girl near the Ashram. My search took me to almost each and every nook and corner of the suburbs shown in the Puducherry tourism map, but to no avail: the *idli* remained ever elusive. However, in the process, I have become the real estate guru of Puducherry and am already advising a well-known *idli* chain pro-bono with an assurance that they will serve *idlis* in lunch across Puducherry.

Now, since I have seen so much of Puducherry, let me share some *gyan*. First and foremost, the places ending in \x93pet\x94 don\x92t have anything tummily about them; they are just names; some of them are excellent residences, yet others are not so good; my personal favorite is Lawspet, but the best value for money might be Mudaliarpet or Orleanpet; however, my first stop was Duryapet, which, in spite of being a semi-slum, was pretty clean. While discovering \x93pet\x94s, I also discovered some \x93uppam\x94s \x97 again nothing tummily about them \x97 Kotakuppam, a predominantly Muslim neighborhood, is affordable and clean, and, but for its Muslim tag, would have been attracting lots of real estate interest \x97 I think there is a clear real estate opportunity lying there for the secularists. Aryinakuppam is another neighborhood I visited and found it chic and posh. But, one neighborhood which I just couldn\x92t visit in spite of trying too hard was Nellithoppu \x97 every time I headed there I landed up in the city bus stand with numerous Modi posters in the skyline, and each time I duped Modi by jumping onto the East Coast Road and taking a u-turn from Kotakuppam.

So, after lots of hide and seek games in the hot sun, my moped gave up and got punctured and got running only after the sun glasses became almost redundant; I scooted to the French Boulevards lest the dashing sun glasses should turn into a liability; but it was already too late: the sun had eclipsed, and the pretty girl had moved into the Aurbindo Ashram for devotion, where I was denied entry for I wasn\x92t devoted enough (towards Aurbindo of course).

So, finally, I sauntered to the corner kiosk at Bharti Park via the Beach Road;

this time the *idli* was available, but my devotion was clearly misplaced, or, may be not: the Tamil *idli* was certainly delicious. ©2014-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 2.2: Books

Chapter 2.2.1: *Bhagvad-Gita*, the English Translation by Purohit Swami

Bhagwad-Gita is a holy text of Hindus; therefore, it is considered very sacred. However, since, as per a news report in TOI (Re: \x93Haryana to introduce Gita in schools\x94, TOI, December 31, 2014; http://timesofindia.indiatimes.com/india/Haryana-to-introduce-Gita-in-schools/articleshow/45696677.cms), its reading is being introduced in Haryana\x92s schools from the next academic session, the book is now open to critical analysis, and thus I am reviewing it here \x97 though I admit I had dare not done it earlier because of the fear of hurting the religious sentiments of the Hindus.

The book contains the discourse between \x93Lord\x94 Krishna, a Hindu God, and Arjuna, a great Pandava Prince and a warrior, on the battlefield of Kurukshetra, Haryana, India, in an unknown time in history. The discourse is in the form of a recital of the live discussion between \x93Lord\x94 Krishna and Arjuna, as reported by Sanjaya, the charioteer, to Dhritrashtra, the king of Hastinapur, India, at the times of the Mahabharata Battle. Though the reporting is live, but, unlike the present times, the reporter didn\x92t report live from the battlefield, but through some kind of divine sight through which he could see what was happening on the battlefield from the comfort of the royal palace; it would also be pertinent to mention here that Dhritrashtra was himself blind; therefore, given his keen interest in the battle, some kind of divine powers could have been bestowed on Sanjaya by \x93Lord\x94 Krishna himself, who has most immodestly made claims to his supreme powers in his discourse with Arjuna; so, anything is possible; however, in order to maintain the credibility of the present review, let me declare at the very outset that I am making a wild assumption of the truthfulness of the events quoted in the book.

The context of the discourse is the uncertainty in the mind of Arjuna just before the start of the battle, for he didn\x92t want to fight with his elders, teachers and kin; he found living as a beggar for the rest of his life a better alternative to fighting his own. \x93Lord\x94 Krishna successfully convinced Arjuna to fight by the end of the discourse; the said discourse has been converted into 18 chapters dealing with various philosophical aspects of life. Though the interventions of Arjuna in the discourse were pretty intelligent, but they were, nevertheless, restricted, for it was a sermon from the \x93God\x94 himself.

During the discourse, \x93Lord\x94 Krishna also showed Arjuna his Cosmic Vision, which as per the \x93Lord\x94 himself, had never been shown to anybody before, nor, do I think, anybody has seen it even thereafter; so, the only witness to the Cosmic Vision of \x93Lord\x94 Krishna was Arjuna, who, unfortunately, being a mortal being died many years ago; so, in spite of a vivid reporting of the sentiments of Arjuna by Sanjaya, there is no direct proof of the Cosmic Vision in absence of a proper cross-examination of Arjuna \x97 it is also possible that Arjuna went through hallucinations; at least in the present times, one would so assume. The event of Cosmic Vision is extremely important because it brought in a drastic softening in the stance of Arjuna, who impressed by the Cosmic Vision, immediately accepted the supremely powerful status of \x93Lord\x94 Krishna, and gradually reconciled himself to the views and philosophy of \x93Lord\x94 Krishna by the end of the discourse. I think, in absence of the Cosmic Vision, it would have become extremely difficult for an objective warrior like Arjuna to surrender to the will of \x93Lord\x94 Krishna in spite of his many sermons also because the sermons were incoherent at various occasions; for example, read this paradoxical statement of \x93Lord\x94 Krishna quoted from the English translation of the book by Shri Purohit Swami available at the website of the Universal Life Church (Re: http://www.ulc.org/wp-content/uploads/2012/10/Bhagavad-Gita.pdf), \x93[t]hose who **desire deliverance** begin their acts of sacrifice, austerity or gift with the word `Tat\x92 [meaning \x91That\x92], **without thought of reward**.\x94 (Emphasis supplied)

Now, coming to the merits; as already stated, the context of the discourse is a battle field, therefore the utility of the sermons is limited. Even though the sermons do touch almost all aspects of life, but, since it was more or less a monologue, the philosophical ideas propagated in the book are more a matter of faith than objective assessment. Furthermore, those very people who want to introduce the book in schools fail to stand up to the teachings of the book: it has been highlighted very clearly in the discourse that people should take up roles of teachers, rulers, merchants, labor, etc., in accordance with their basic nature; however, the Haryana CM, in spite of being a *Khatri*, has all his life been a merchant \x97 even the PM of this country has now taken up the role of a ruler in spite of originally being a laborer/worker, i.e. a tea seller \x97 so the philosophical ideas have not passed the test of time even. A cynical view would be that Arjuna was manipulated by \x93Lord\x94 Krishna, through his intellect, to submit into killing his own people for the reasons unknown; this view finds strong support from the *modus operandi* adopted by \x93Lord\x94 Krishna.

\x93Lord\x94 Krishna claimed that he was the supreme power responsible for all creation, operation, and destruction in the world, and, at the time of the Cosmic Vision, also showed people like Bhishma, Karna, Drona, *et al*, already destroyed as per his will, and he exhorted Arjuna to just complete the formality:

> *Lord Shri Krishna replied: I have shown myself to thee as the Destroyer who lays waste the world and whose purpose is destruction. In spite of thy efforts, all these warriors gathered for battle shall not escape death.Then gird up thy loins and conquer. Subdue thy foes and enjoy the kingdom in prosperity.I have already doomed them. Be thou my instrument, Arjuna! Drona and Bheeshma, Jayadratha and Karna, and other brave warriors \x96 I have condemned them all. Destroy them; fight and fear not. Thy foes shall be crushed.*

In a nutshell, the core philosophy is as follows:

1. \x93Lord\x94 Krishna is an omnipresent, all pervading creator, destroyer and operator of all activities in the universe.

2. The non-perishable spiritual being is separate from the perishable matter, and \x93Lord\x94 Krishna is the Home of the Spirit, the continuous source of immortality, of eternal Righteousness, and of infinite Joy.

3. The man doesn\x92t act; it is the \x93Qualities\x94 which act, and when a man transcends \x93Qualities\x94, which is the real reason of physical existence, he becomes free of the miseries of life and death, and thus immortal.

4. Those who devote themselves to the \x93Lord\x94 fully, performing their obligations in his name without worrying about the results, have the best chances of achieving immortality by becoming one with him.

So, as per the discourse, the goal of human existence is immortality, which can be achieved by unquestioned devotion to Lord Krishna, and the same was the final exhortation of \x93Lord\x94 Krishna to Arjuna as well:

> *Dedicate thyself to Me, worship Me, sacrifice all for Me, prostrate thyself before Me, and to Me thou shalt surely come. Truly do I pledge thee; thou art My own beloved. Give up then thy earthly duties, surrender thyself to Me only. Do not be anxious; I will absolve thee from all thy sin. Speak not this to one who has not practised austerities, or to him who does not love, or who will not*

listen, or who mocks.

And, which Arjuna answered as follows:

> *My Lord! O Immutable One! My delusion has fled. By Thy Grace, O Changeless One, the light has dawned. My doubts are gone, and I stand before Thee ready to do Thy will.*

So, the discourse was definitely successful in converting Arjuna, but, as I said, he was the only one who saw the Cosmic Vision; I haven\x92t, so I am not convinced at all and have ended up writing the above critique.

Note: I am an atheist non-believer. ©2014-2015 Ankur Mutreja

Chapter 2.2.2: *Swaraj* by Arvind Kejriwal

> *Independence begins at the bottom\x85A society must be built in which every village has to be self sustained and capable of managing its own affairs\x85It will be trained and prepared to perish in the attempt to defend itself against any onslaught from without\x85This does not exclude dependence on and willing help from neighbours or from the world. It will be a free and voluntary play of mutual forces\x85In this structure composed of innumerable villages, there will be ever widening, never ascending circles. Growth will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose center will be the individual. Therefore the outermost circumference will not wield power to crush the inner circle but will give strength to all within and derive its own strength from it.*
>
> (Source: Murthy, Srinivas. Mahatma Gandhi and Leo Tolstoy Letters. Long Beach Publications: Long Beach, 1987, pp 189)

The book is written in such a manner that the ideas intermingle with each other, and it is not possible to strictly delineate chapters on the basis of particular ideas. However, the three prominent ideas emerging from the book are the need for change, the test cases, and the proposal for change. I would say 80% of the book is devoted to the first idea of the need for change bolstered by many baked and unbaked examples of inefficiencies and corruption in the existing system. In fact, the two set of examples of inefficiencies and corruption are inseparable, and it would not be wrong to suggest that the majority of problems of inefficiencies highlighted in the book are direct or indirect manifestations of the corruption at various levels of the system. The need for change has been discussed to such elaboration that there is a diffused feeling of cynicism in the mind of the reader while reading the book. Thus, the book may appeal to the cynics more.

Let me discuss the proposals before discussing the test cases as it would soon appear that the test cases are not scalable and would not help much in supporting the proposals. I must admit that, even on the second reading, I was unable to read the suggestions section, and this time it was clearly because of lack of interest; therefore, I have taken the help of the above-quoted vision of M. K. Gandhi. The concept of Swaraj discussed in the book \x93Swaraj\x94, which, in the present context, can also be termed as the manifesto of the AAP, is partially

derived from the above vision. The underlying idea of Swaraj, as propagated in the book, is the empowerment of the local leadership through Gram Sabhas in the rural areas and RWAs in the cities. The empowerment proposed is to the extent that the local leadership representing the interest of the local populace will have power to direct and punish the bureaucrats, formulate local level policies, control/streamline the flow of information, suggest new laws, control the flow of funds, etc. In other words, the local level unit would be a self-sustaining unit as envisioned by M. K. Gandhi, but it wouldn\x92t be an anarchic/sovereign unit with powers to defend. There are certain positives in the above idea of self-sustaining local units, but the idea would fail in absence of certain prerequisites, most important amongst them being the devoted and sincere local leadership and the rational public. In another of my writings, I have highlighted the following problems that the idea of Mohalla Sabhas may face:

- First, it will not reduce or curb corruption; rather it will increase it many fold because politicians, especially the local level politicians, are the most corrupt.
- Secondly, the larger the group the stupider the decisions, and this is a scientific truth — team work is different from group decision making.
- Thirdly, there would be no accountability for the decisions. Each decision would be Aam Aadmi's decision and thus acceptable without debate.
- Fourthly, it will create local level "Big Bosses", who will take arbitrary decisions without any judicial recourse, which would be a serious threat to Right to Equality.
- Fifthly, it will infringe the Privacy Rights of the people in the name of larger good of the neighborhood.
- Sixthly, it will bring in Police Raj as the local leaders will be recognized even further by the local police, and the local police always rule through local politicians; the two act in tandem.
- Seventh, the Mohalla Sabhas, esp. in unauthorized colonies, where the public and private spaces are not well delineated, may lead to infringing the private properties and spaces of the people.
- Eight, the nuisance created in the community spaces will be regularized by the Mohalla Sabhas, without any judicial recourse.
- Ninth, people will lose faith in the Judiciary even further as the Judges will

find it convenient to leave judicial decisions to Mohalla Sabhas through formal or informal procedures — they act so even now.

- Tenth, it will be a serious attack on the individuality of creative people, scientists, artists, entrepreneurs, *et al*, who, by their very nature, avoid politics and love to be left alone and don't care much about what's happening in the society.
- Eleventh, it will infringe the minority rights for sure.
- Twelfth, it may increase violence because of continuous and repeated conflict, not competition, between contenders for power — competition is when the adversaries are not known, most people understand it wrongly.
- Thirtieth, uneducated and less intelligent local leaders will make below-par decisions.

And, in the book, I have not found answers to my objections. The prospective objections have been answered under the caption \x93BASELESS DOUBTS AND ASSUMPTIONS\x94, which *per se* speaks a lot about the attitude of the author towards his opponents/critics/adversaries. Nevertheless, it is worthwhile to discuss the redressal of objections in the book. With respect to the objection of atrocities on backward classes in local self-sustaining units, an unpalatable proposition has been forwarded that there are a few amongst the high-caste people who are the sympathizers of backward classes, and the backward classes will get a voice through them in the new Gram Sabhas; a proposition has been made, but it is not explained how this will actually fructify; according to me, the voice of sympathizers should get curbed even further in the new paradigm. Further, it has been stated that if the backward classes are denied right to take part in the Gram Sabha proceedings, they can approach the Lokpal. But, how does it matter when they are in minority? With respect to the illegal dictates of the Khaps and the accentuation of the malpractices in society in the new Gram Sabhas, it has been stated that it would be against the Law. Of course, it will be against law, but the real point here is that the Gram Sabhas will increase these problems for such malpractices prosper amongst uneducated people; and, if given power, the same uneducated people will increase the malpractices even further. With respect to the fear that the conflict between the contenders for power will increase violence and pandemonium, the answer offered is that the same is not supported by statistics across the world, and, thereafter, the example of Hivre Bazaar, Ahmednagar, Maharastra, has been restated, but no supporting

global statistics has been presented. I strongly doubt the existence of any such global statistics. However, there are many other objections like below-par and arbitrary decisions, infringement of privacy, collusion between local police and local leaders, regularization of nuisance, attack on the individuality of creative people, etc, to which no answer has been forwarded.

A few test cases from the historical India, the present day India, and also abroad have been discussed. The foreign cases of the US, Switzerland and Brazil are not scalable in India because of different social, economic and demographic structures, and, therefore, they didn\x92t interest me much. One historical anecdote from Vaishali where a girl being forced to become the Nagar Vadhu (prostitute) was able to dislodge the King from his palace as a compensation for her sacrifice is completely amiss and irrelevant. The point has been made that, in historical times, the common people were able to command the reigning king to vacate his palace for the Nagar Vadhu, thus showing the power of the people. **Ironically, the real point here is that a clever woman who tried escaping from the clutches of the powerful vultures of the society by proposing an audacious demand couldn\x92t succeed because even her audacious demand was accepted by the pervert vultures.** Out of the four Indian cases; i.e. Ahmednagar, Maharashtra; Kerala; M. P. and Sonia Vihar, Delhi; the only example worth discussing is that of Ahmednagar, Maharashtra. The Kerala and Delhi examples being negative examples fall more in the category of need for change than test cases, which need has been discussed elaborately even otherwise. The M.P. example of a female Anganwadi worker is obnoxious: A point has been tried to be made that when an erring officer faces examination from the mighty public, he or she admits all his crimes, and there is no need of any investigation thereafter, and the erring official can then be punished by the public in accordance with the reformist principles of penology. **But, the real point here is that the erring official was deprived of her fundamental right against self-incrimination**.

So, let me only discuss the Maharashtra example in detail with a caveat that just one isolated case in a vast country like India is not adequate for a wide-scale implementation of the concept. It is a story of a small village Hivre Bazaar, Ahmednagar, Maharashtra. This was a poor village with skewed economic & social structure with emphasis on alcohol production and consumption. A group of young volunteers took it upon themselves to bring in revolution through pubic participation in Participatory Democracy. Luckily, they were able to appropriate

responsible positions through their chosen leader, who was incidentally sincere, intelligent, creative, educated, patient, adamant and clever. His persistence attempt on a single point agenda to bring in inclusive growth through perpetual public participation eventually bore fruit: The people started taking interest in their own development, and, gradually, the dramatic changes took place. One salient feature of the development was self-sustenance within the confines of the village boundaries without any outside help. This example certainly proves the workability of the Gandhian vision of Swaraj in salutary conditions. This example is certainly scalable in Ahmednagar district of Maharashtra given the conditions of leadership are satisfied; it may also be scalable in large parts of Maharastra and nearby regions having similar conditions; however, it is certainly not scalable in urban centers like Delhi: The people in Delhi are far more cynical; the education is inclined more towards corruption; and the opportunities for violence are far greater.

My immediate concern is the forceful introduction of Swaraj in Delhi not only without any scalable test cases but also without any wide-scale discussion. Furthermore, the change is being initiated through legislation followed by systemic changes over a year. This is more like supply-side economics, where a product is first manufactured sans demand, and then forcefully supplied to unwilling customers, and then, to ensure sales, the substitutes are killed. This kind of enforcement in the socio-political space is completely unacceptable; this may end up taking away whatever good the AAP has done till now.

Addendum

The book also mentions some experiments of public participation in Trilokpuri and Sundernagari areas of East Delhi. These are not test cases as the experiments have not reached maturity yet, and thus there are no end-results. Moreover, the experiments are more in the nature of the Bhagidari Scheme of the previous Congress Government as the Mohalla Sabhas therein didn\x92t have any powers as proposed under the concept of Swaraj in the book and/or by M. K. Gandhi.
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Chapter 2.2.3: *An Ordinary Person\x92s Guide to Empire* by Arundhati Roy

First and foremost, I have an issue with the title of the book: An ordinary person in the Indian Subcontinent can\x92t afford a book costing Rs. 395; an ordinary person in the Indian Subcontinent can\x92t read English like a native language; and an ordinary person in the Indian Subcontinent won\x92t read the essays till they are presented in some popular media, not book. Until the essays are translated in vernacular languages, priced cheaply (or free), and distributed profusely, this book is very much for the elite. Since the above is not possible, the book, as a product, is antithesis to its contents, but, this doesn\x92t take anything away from the validity of the ideas presented in the book

In her essays, Arundhati Roy, along with presenting numerous facts, opinions and hypotheses, has also presented some solutions, and that is what interested me the most. For long, I have been pondering over the role of these peculiar creatures who adorn themselves with the garland of thorns and call themselves ACTIVISTS. Though I always had a positive perspective on their role, but the kind of magnanimous authority Arundhati Roy has retained for them is just magnificent. If what has been stated in the essays is possible without turning the activists into the better clones of the politicians, then hats off to her magic trick. She has envisaged the role of activists as that of a shadow government that wouldn\x92t let anything happen against the people. Obviously, the activists can\x92t themselves become politicians. This is definitely an interesting solution, but with a problem that money is known to corrupt people, and, as per the present system, there are a number of interest groups, including the government, who benefit from and are interested in the corruption of the masses as it makes their task easier, and money is available in plenty to them for extending their agenda. Now, in such a scenario, how will the genuine \x93morality\x94 counter the power of money? The activists, if they don\x92t want to get corrupt, can\x92t use anything except logic for challenging the reigning KING. Unfortunately, the logic doesn\x92t even allow \x93GOD\x94, not even \x93The GOD of Small Things.\x94 If the things have to change, the activists should certainly prosper, but do they have a strategy?

Yes, I very much agree with Arundhati Roy when she says that the solution can\x92t be found without women and do think that the things need to change, if nothing else than for the better good of women themselves. If women want to

save themselves from the imminent danger of the neo-liberal society, they definitely need to take active part, or, in other words, become activists. Arundhati Roy has not focused her attention on the prevailing danger of the neo-liberal society/corporate globalization on the status of women. I have a feeling it already is extremely detrimental to women and is going to be more so in the future. I wish Arundhati Roy had also centered her attention on this issue. Nevertheless, Arundhati Roy\x92s essays are extremely revolutionary and are definitely something more than an interesting read.

Addendum post Anna Hazaare Agitation

I have been closely watching the agitation of Anna Hazaare and other activists, both on and off the television. It mainly started with Kiran Bedi and Arvind Kejriwal. Around the same time, the corporate, etc, wrote a letter to the PM demanding the passage of a lokpal bill at the earliest. I think the corporate actually wanted a lokpal because they ended up wasting lots of time in getting A. Raja behind bars. I can\x92t comment about the culpability of A. Raja because the matter is subjudice. Nonetheless, I have learned that many corporates, including Nira Radia, have been presented by the CBI in the list of witnesses in A. Raja\x92s case. So, the message is clear: A. Raja has done something anti to the strategy of the corporate. Of course, the BJP, and even the left, have provided political support to the corporate.

The problem with the Congress Government is that it listens a bit too much to the corporate. It announced the introduction of the Lokpal Bill in the monsoon session and also drafted a bill. The bill was toothless, and this time the activists were ready. They had drafted their own bill. Now, the activists played a game. They realized that it was the right time to hit the nail. The assembly elections were just round the corner, and the Congress could have ill-afforded another agitation at that time, that too an agitation which had grown so much in the cities.

But, here comes the golden question: Why this agitation has become such a great success? Of course, it is not because of Anna Hazaare. The fact is that the BJP cadre have worked day and night to make this agitation a success. Small business, lawyers, local leaders, etc, affiliated to the BJP have prodded people to support this agitation. At the same time, the corporate media, including the FM channels, the social networking entrepreneurs and the celebrities have created a sort of euphoria in favor of the agitation.

I am not sure whether the activists have acted in consort with the corporate and the BJP, but, the activists have acted most irresponsibly. They have played politics, with which I have no problems, but my problem is that while playing politics they have acted in self-interest, not public interest. Corruption is a much bigger menace; no superman can solve it. For example, a person requesting information under the RTI Act can\x92t get the information unless he pays bribe. If he doesn\x92t the following may happen for which the Lokpal Bill has no solutions:

\x96 The letter requesting fees for copying the pages will be entered in the dispatch register but will never be dispatched, but only a blank envelope will be dispatched.

\x96 The dealing assistant will speak to you most rudely and make you wait for hours before giving you a hearing. After a lapse of 2-3 hours, he will inform you that your letter requesting fees has been dispatched, and he can\x92t help you without the copy of the letter. You will request for a photocopy of the office copy, for which the dealing assistant will have to locate the peon to get the photocopy done, who will appear after a delay of another 1 hour.

\x96 The peon will fail to get the copy done because the photocopy machine will be out of order.

\x96 You will approach the officer-in-charge, who will not be on his seat; if, fortunately, he is available, he will ask you to file a formal complaint.

\x96 You are adamant, so you file a formal complaint and go back home.

\x96 The mandatory period for receiving the information has elapsed, but there is no action on your complaint, and you have also not received the copy of the letter requesting fees, so now you file an appeal.

\x96 The appeal is dismissed as you have not paid the fees as per rules.

\x96 You file second appeal in the CIC.

\x96 Your appeal is heard after an year. The commissioner starts getting agitated with the confusion in your case and passes a negative order upholding the decision of the First Appellate Authority. BTW, his order is in accordance with law because you have not paid the fees, and, as per the records, the letter requesting fees has been dispatched.

\x96 You go to the High Court under Article 226 of the Constitution. In the High Court, the Single Bench, as well as the Division Bench, dismisses your petition

finding no case having been made out for the non-exercise of jurisdiction by the CIC.

\x96 You file an SLP in the Supreme Court. The Supreme Court refuses to entertain your petition because the order of the High Court is not erroneous.

I wonder what a lokpal can do to solve the above problem. A lokpal can only help the corporate and the other rich people to send the A. Rajas behind bars. No common man may ever approach a lokpal. Thankfully, the above-stated is not happening as of now, but even the worst may start happening if the Jan Lokpal Bill in its present form is passed. The RTI Act is working only because the bureaucrats are making it work deliberately, not frighteningly. Somewhere, the bureaucrats are also wary of the politicians; the RTI Act gives them an excuse to say no to the politicians, and the RTI activists like Arvind Kejriwal need to understand this. Ditto for other things.

I am sorry to say that the present agitation of Anna Hazaare is making me believe that the activists are becoming the better clones of the politicians, especially because even Medha Patkar is supporting this agitation. I only hope that the activists have been fooled, and they did not act in consort with the BJP and the corporate. ©2008-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 2.3: Movies and More

Chapter 2.3.1: *Satyagraha*, the Movie

This movie is completely unreal and doesn\x92t present the true picture of reality. The following are the aberrations:

1. Anna Hazaare is not yet dead.

2. Kiran Bedi was the first woman IPS officer, and I have observed she wears her coat with buttons on the left.

3. Manish Sisodia is not that handsome.

4. Shazia Ilmi is not size Zero; come on :).

5. Prashant Bhushan is taller than shown in the movie.

6. Arvind Kejriwal being a diabetic may or may not pass the potency test.

7. And, who was that cutie? Never seen her before!

I think Prakash Jha has lost touch with reality. ©2013-2015 Ankur Mutreja

Chapter 2.3.2: *Raanjhanaa*, the Movie

I think the long wait for Sonam Kapoor is over. This movie is brashly real; the soul of the movie is the passionate love, and that reality has never been lost. Dhanush has done the unimaginable. Half way down the movie, I had a feeling that Dhanush will die an ordinary death. But, not really! The movie ends with a new life of vigor \x97 I am certainly waiting for Dhanush to fall in love again.

The story wanders in various landscapes; the childhood naughtiness, the adolescent brashness, and the energetic youth shortened by the death in politics \x97 I am a believer that youth can be extended forever, but what can one do if the youth has no mood to extend itself! A loser can always win in politics: That\x92s portrayed pretty well in the movie, and, of course, the death was by choice as the loser had won the internal battle. *x93Ranjish hi Sahi\x94*, the famous *gazal*, has come alive in this movie; and that\x92s very true: A lover keeps looking for opportunities hoping against hope to consummate \x93love\x94 someday. It\x92s just that, in the movie, the hope led to the discovery of integrity, but still no \x93love\x94 \x97 a smile without murmurs is inconsequential at times. ©2013-2015 Ankur Mutreja

Chapter 2.3.3: *Table No. 21*, the Movie

Table no. 21 is a movie with an attitude. I have never before seen a movie leaving a social message with such an impact. Undoubtedly, this is a revenge movie (oops I have given it away, but can\x92t help it), but the revenge is intriguing and also amazingly entertaining \x97 there are moments in the movie which will bring anybody on the edge of the seat. If it were a 3D movie, many would have ended up hitting Paresh Rawal, but, in the end, you don\x92t know whom to hit, so you take the social message home; and that\x92s the attitude of the movie.

I don\x92t think a genre can be defined for these kinds of movies; it falls in the category of \x93Zinda\x94, \x93Kidnap\x94, etc., but it, undoubtedly, is the best of the lot \x97 actually none of the above movies stand anywhere near it. The highlight of the movie is the presence and acting of Paresh Rawal, but Rajeev Khandelwal is also superb: his acting is effortless \x97 why is he not amongst the highest paid? The surprise packets are the songs, which are all very well composed especially the one starting with an English introduction. Is it a family movie? Yes, it is \x97 I have never worried about this aspect before, but, today, I heard a few youngsters cribbing about the movies which can\x92t be watched with the family; so, well, they can also watch it, but, I still wonder who wanna watch movies with the family these days!

I think the movie is a must watch for the students studying Engineering, Medicine, Commerce, Science and ARCHITECTURE. ©2013-2015 Ankur Mutreja

Chapter 2.3.4: *OMG*, the Movie

The success of this movie clearly highlights the contempt of the \x93Godmen\x94 by the urbanites, but only if this contempt could be extended to the \x93God\x94 himself. The movie makes a good statement, but it also propagates the same old notions.

Thankfully, there are no blasphemy laws in India, so the movie could be made. But, unfortunately, India doesn\x92t have any independent Law of Tort either \x97 except the Consumer Protection Act, but which is not relevant here. It follows the Common Law, in which there is no recourse against the \x93Act of God\x94 \x97 Jesus is not \x93God\x94 himself. So, the movie stands on a weak foundation; however, I like the concept: If a Hindu God can sue under the Right to Property Act then why shouldn\x92t it be sued under the Law of Tort! The Hindu \x93God\x94 is capable of taking human forms, so, in that capacity, he or she can be sued for his or her acts causing damage to other humans.

I don\x92t take anything else from the movie except for a bleak possibility of suing Hindu \x93Gods\x94 through their various agents/\x94Godmen\x94. Unfortunately, the \x93God\x94 can\x92t be sued in case of other religions, and I dare not endorse a Uniform Civil Code for the \x93Gods\x94, though Kanji Bhai did try doing it in the movie. The movie is a laughter riot and should be enjoyed just like that. ©2012-2015 Ankur Mutreja

Chapter 2.3.5: *Ek Tha Tiger*, the Movie

I met a couple who spoke reverse French. For example, they would say \x93*aime te je*\x94 instead of \x93*je t\x92aime\x94,* meaning \x93I love you.\x94 I thought it must be some unique way of expressing love \x97 assuming everything about French is lovely. But, no, this was some kind of defense mechanism. Undoubtedly, love is the most powerful and the cleanest form of politics, so anything is achievable through love \x97 if not in reality, then in romance. \x93Ek tha Tiger\x94 celebrates the power of love.

If Salman Khan\x92s stupid movies like \x93Dabang\x94 and \x93Bodyguard\x94 did such roaring business, I wonder what \x93Ek Tha Tiger\x94 will do to the box office. By far, it is the best movie of Salman Khan in the recent times. Another unexpected charm of the movie is Katrina Kaif, who has for the first time shown how beautiful she can be if given a chance \x97 I think now she should put up a notice board outside her home declaring, \x93Katrina has stopped doing \x91*Chikni Chameli*\x92 and \x91*Sheela ki Jawaani*\x92 because she can do much better, so f-off.\x94

Like all spy movies, this movie also has lots of action, but the real action lies in the treatment given to love. The formula is time tested: the love-couple wining against the world, fighting all odds. But, in this movie, the \x93world\x94 was represented by the forces of the world, so it was indeed some fight \x97 if the fight for love can be so adventurous, who needs spy thrillers. I have to admit I enjoyed Cuba more than Ireland \x97 fighting for love, it seems, is more interesting than falling in love, and no place can be better than Cuba for an outright rebellion. I missed the songs \x97 I think they were not extraordinary, else I would have noticed them \x97 this movie could have done without songs.

The movie is definitely worth watching, if nothing else then for the new *avatar* of Katrina Kaif. ©2012-2015 Ankur Mutreja

Chapter 2.3.6: *Antilla,* the Residence of Ambanis

 The building you see on the left is the famous house of Mr. Mukesh Ambani build at the cost of US $ 1 to 2 BN. Well, to put things in perspective, that\x92s something like Rs. 5,000 to 10,000 Crores \x97 I wonder whether a Taj Mahal would cost so much today. And, see what it looks like: A flatted factory at best and multi-storey garbage dump at worst. Who can pay so much to build that? There are two basic ingredients of a good design: Harmony and Balance. But, both Harmony and Balance are conspicuous by their absence in the figure on left \x97 even a five year kid wouldn\x92t assemble his blocks in such a haphazard manner. In Delhi, there is an Urban Arts Commission for ensuring that a fantastical arbitrary mind may not disturb the urban landscape; but, it seems Bombay doesn\x92t take its architecture seriously. I really pity the neighbors, who have to manage with this shabby structure day-in-and-day-out. Unfortunately, unlike the Ambanis, they can\x92t even build helipads on their terraces \x97 though I wonder if it looks any better from the top.

The most distinctive part of the structure are the protruding floors in the middle managed by two pillars \x97 I can well imagine how many mathematical equations would have been cracked to make this structure stand, but, what if the designers are neither mathematical genius nor designing stalwarts! The other distinctive and intriguing feature is the zigzag line, which seems to have been given a free run, and *voila* it ran its own course, sometimes encapsulating five floors, yet, at others, none. Is this some kind of Feng Shui or Vaastu \x97 thanks goodness, whatever little architecture I learned, didn\x92t have any capsules on Vaastu! Then, there are these \x93**V**\x94 for Victory pillars, as if declaring, \x93We have the wherewithal to hold even that which lie above us\x94 \x97

seriously, tough guys, but, do they enjoy doing it; it\x92s only going to get tougher with age; WAF\x85oops\x85WTF!

If I were to become the Urban Design Guardian of the Bombay City (assuming such a profile can exist and survive), I would allow this structure to stand only if it is immediately converted into a night shelter for the poor \x97 there is no other way I can allow this injustice to the poor pillars. ©2012-2015 Ankur Mutreja

Chapter 2.3.7: *Flattr.com*, the Website

Flattr.com is more than a website. I agree to a great extent with the tagline of the website, \x93big change through small payments.\x94 The concept is very simple: An interested person is expected to make a monthly commitment of an amount as small as 3 Euros on the \x93Flattr\x94 Website, and then click on the \x93Flattr\x94 button whenever he sees it on any website of which he likes the content; all the clicks for the month are added, and the committed amount is distributed proportionally amongst the flattered websites. If this concept picks up, it will be nothing less than a revolution. The following would happen:

\x96 First and foremost, unlike in supply-side economics, the capital will flow voluntarily from consumers to producers.

\x96 Secondly, the consumer will first get entertained by the product (NEWS included), and then pay by clicking on the \x93Flattr\x94 button, so the consumer in real sense will become the King.
\x96 Thirdly, the consumer can spend to his capacity (or even not spend) and get the same entertainment which a high spender would get \x97 equality of entertainment by knowledge.
\x96 Fourthly, the producer would be more interested in giving better entertainment than generating money as he wouldn\x92t be able to control the moods and choices of the consumers through expensive advertising.

\x96 Last but not the least; the power structure will change comprehensively: the brokers will not become richer than the producers by mere intervention, and, hopefully, there will be no more Rupert Murdochs.

If the above concept gains abundant popularity, not only the markets will benefit from good products but also the consumers will feel less stressed for they will get truly entertained. ©2012-2015 Ankur Mutreja

Chapter 2.3.8: *Mod*, the Movie

I should first make a declaration that I like Nagesh Kukunoor\x92s Cinema.

I was just reading the box-office reports of the movies. The taste of the Indian audience is pathetic. A movie like *Mod* has earned just INR 40 Lakhs and is being termed a \x93disaster\x94. Incredible! *Mod* is zillion times better than *Ra.One, Bodyguard, Dabang, Ready, Singham*, and, for that matter, even *3 Idiots*. I also watched *Aashayein,* and even that was a fantastic movie. The Indian audience are being taken for a ride by these marketing companies: They can convert a movie like *LSD* into a hit, but a movie like *Mod* disappears without a whisper!

Mod is a fantastic movie. Some other recently-released low-profile movies like *Mujhse Fraaandship Karoge, Love Breakup Zindagi, Sahib Biwi aur Gangster, Soundtrack, Shabri, That Girl in Yellow Boots, Bol, Rivaaz, Sahi Dhande Galat Bande, Not a Love Story, I am Kalaam, Chala Musadi, Chillar Party, Bubble Gum, Khap, Bhindi Bazaar Inc, Pyaar ka Punchnama, Challo Dilli, Shagird, Tanu Weds Manu*, etc, are also good movies, especially when compared to the filth that is being produced in the Ra.Ones.

The script of the movie *Mod* is well thought off, and Ayesha Takia has given a splendid performance; but the best thing about *Mod* is its comprehensive appeal. It is a subtle entertainer without a spectacle but with lots of soul. The focus has never been lost, and the underlying idea has been preserved from the beginning to the end. The movie actually ends with a clean social message too. I wonder what else is required in a good movie. I liked the thought presented in the movie, *\x93love always succeeds because it is the most selfish.\x94* Certainly true! The climax of the story is perfect with a subtle message on Women Empowerment too.

There are two striking aspects of the movie: first, the subtle message on Women Empowerment and, secondly, the handling of the delicate issue of psychiatric illness.

The message on Women Empowerment is just rightly placed: There is no conflict of women v. man, etc, and the girl in the movie naturally evolved into a woman via responsibility, not sexual intercourse. Thus, there is no need to load the woman, so evolved, with the titles like \x93Woman of Substance\x94, etc. She did nothing extraordinary, and no man need be offended; she was just doing

her job and following her destiny, and, on the way, took up some responsibility.

I have observed that the delicate topic of psychiatric illness has been dealt most frivolously in the Indian movies, whether be it *Karthik calling Karthik* or *15 Park Avenue* or *Black.* There is a tendency to project mental illness as an almost incurable disease in absence of special medical attention. In fact, the reverse is mostly true: It has been found in scientific studies that there is no significant correlation between the medical treatment and the improved condition; rather, if diagnosed wrongly, the treatment may lead to further problems because psychiatry is only an evolving science. The, once preferred, ECT has been found to be the worst treatment leading to many further complications. In most of the cases, the psychiatrists just try to sober the excited state with pills, which can well be achieved by alternative methods like love. The preference shown to the love over the medical treatment in the movie is thus pretty sound.

After watching this movie and *Ra.One*, I seriously feel that the directors of the movies like *Mod* need to do something to survive in this dog-eat-dog world: There ought to be a movement against these big banner movies because, at the end of the day, the audience are getting cheated. ©2011-2015 Ankur Mutreja

Chapter 2.3.9: *Udaan*, the Movie

Rebellion is a necessity in any political society. It is a check on power. It emanates in many forms and is never without a cause. The attempt has to be made to understand the cause. For example, the most prominent rebellion is that of the teenagers, which is always considered as being without cause. But, is it true? A teenager considers herself a political prisoner of her parents, who have been forcing their decisions on her for so very long. Hasn\x92t the mankind erred in considering the rebellion of teenagers as being that without cause, thereby ignoring such a long standing conflict! I liked the movie \x93Udaan\x94 because it has tried tackling this conflict with a different perspective, though I know the movie doesn\x92t provide any solutions.

The story of the movie made the context simple by juxtaposing a bullying conservative father with a creative liberal teenager. If the teenager was not so talented and daring, and the *milieu* was not so apolitical, the father would have won hands down. This kind of conflict is unheard of in India. The power of parents gets extended much beyond teenage, mostly unquestioningly, though negatively. So, a father has to be really villainous to lose, which was so the case in the movie; and the portrayal of the villainy by Ronit Roy is excellent. However, my heart goes out for the kid in the movie, who had no choice of rebellion even. Thankfully, the young rebel writer new how to run for his life and for the life of his kid brother.

I have heard that Motwane had to wait for years to make this movie, but it doesn\x92t look like he will have to wait much longer to make a truly \x93commercial success.\x94 I just hope that the \x93commercial success\x94 he makes is also a good product like \x93Udaan.\x94 ©2011-2015 Ankur Mutreja

Chapter 2.3.10: *Love Sex and Dhoka*, the Movie

I don\x92t know why I am even writing this review. I am so stunned by the fraud played by this movie that I need to express: This movie is no love, no sex, but only *DHOKA*.

Dhoka No. 1: It has been made to believe that the video clippings in the movie are real, but they are in fact acted upon and screen played. In the director\x92s own words, *\x93Imagine if I had taken known faces. The illusion of hyper-reality would have broken at the first instance. Now when you watch the film, you don\x92t know if the film is made by Dibakar Banerjee or a compilation of clips taken from the cameras of the three individuals.\x94* (Source: http://movies.rediff.com/slide-show/2010/mar/11/slide-show-1-interview-with-dibakar-banerjee.htm#contentTop)

Dhoka No. 2: The movie is an extremely low-budget one. Rough estimates would put production cost at no more than Rs. 10 Lakhs and the marketing cost at no more than Rs. 30 Lakhs. This movie is surviving just on the strength of marketing: Almost every critic has written a good review of the movie, and the word \x93sex\x94 itself has generated lots of curiosity. Basically, this movie is just trying to play upon the vulnerability of the so-called intelligent multiplex audience.

Dhoka No. 3: There is nothing unique about this movie. The first story is just another melodramatic TV serial of Ms. Ekta Kapoor: an idiot like the protagonist of the story would actually be an exception in the Indian Society. The second story is a poor pornography. The third story is completely unreal: no celebrity can get so much freedom to exploit newbies; they don\x92t have such kind of power; the power and the casting couch lie elsewhere; if at all, the celebrities just act as conduits.

Dhoka No. 4: An artificial attempt has been made to regularize infringement of privacy. The movie makers are trying to show that privacy is not a value so very much valued by individuals, and they are willing to shun it at the first available opportunity. This is the biggest *dhoka* of the movie. Individuals do value their own privacy because **No Privacy means Slavery**.

I hope this movie doesn\x92t recover its costs; else it will encourage others to defraud the audience similarly. ©2010-2015 Ankur Mutreja

Chapter 2.3.11: *Welcome to Sajjanpur*, the Movie

\x93Welcome to Sajjanpur\x94: A Shyam Bengal movie produced by UTV is definitely commercial but with a characteristic subtle social message of Shyam Benegal\x92s movies.

The story is that of an immensely talented infamous writer, who, nevertheless, makes big differences in the lives of people. Story is set up in a small Indian village dominated by Goonda Politics. The protagonist of the movie is a letter writer, who puts in emotions in the letters; no doubts, letters do wonder. This writer intriguingly helps people without being conscious about it: the help is often accompanied by a strict initial resistance and a loud abandonment thereafter. The most important difference he makes is in the life of his childhood beloved, who had unfortunately married some one else. The transition from the initial attempts to cajole the lady out of her marriage to actually helping her sustain one is perfect and natural: The desire to help is not forced, and the events unfold at a natural pace in sync with the changing moods of the protagonist in response to the adjustment between the environment and his terminal values. Also, the protagonist plays a small but significant role in changing the socio-political system of the village, which he could do because of his real subconscious desire to bring a positive change without any desire for power. His no-nonsense practical approach towards life makes him achieve the desired without bringing him in conflict with the powerful. The story *per se* is excellent; the acting is natural, and the songs are added embellishment. The movie is a must watch. ©2008-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 3: Opinions

Chapter 3.1: Rights

Chapter 3.1.1: The Danger of Brain Research

(March 2014)

Brain research is a fledgling area. The documented objectives of the research include understanding the complex working of the brain for medicinal, surgical and artificial intelligence purposes. The undocumented objectives include mind control, especially for the purpose of \x93intelligence and security\x94; the surreptitious research in this area has already advanced quite a lot mainly because of the use of innovative engineering techniques involving wave physics and computer modeling. According to the conspiracy theorists, it is now possible to read the thoughts of a person, with or without bugging the brain or any other part of the body. In fact, the research carried out after bugging the brain is well documented, and the visual and vocal images originating from the brain of the guinea pigs have been transferred to LCD screens and speakers respectively \x96 this means that what a person speaks to himself can be heard, and what he dreams in his mind in the form of images can be seen.

Now let us see where the research is headed. The documented research till now has been able to demarcate the areas of brain responsible for various activities like smell, language, visual images, etc. They also know that the brain activities take place in the form of electrical impulses. The brain emits waves of low frequency, which can be read by proper modulation, and that is how the vocal and visual images are read. However, the complex processes of brain and/or nervous system, like consciousness, are yet unknown. In fact, there are certain quantum physicists who believe that consciousness is not a neuron function at all, but a microtubules function, and is thus inherently unpredictable in accordance with the laws of quantum physics, and thus artificial intelligence is impossible. Nevertheless, even if it is assumed that the current research is headed in the right direction, and, by researching the neural interconnections, one can unravel the mysteries of the brain, this task is next to impossible because the number of interconnections between the nerves in a human brain are more than the number of atoms in the universe \x97 just imagine how daunting a task it is. Then, why should the corporate and the governments throw so much money into this field?

The answer lies in the undocumented mind control research. They all know they are never going to achieve anything in the field of artificial intelligence, and the benefits in the field of surgery may also not arrive in the concrete form ever.

However, the benefits in the field of mind control are enormous. If the conspiracy theorists are to be believed, there are tools and techniques through which any human brain can be read using wave technology; so, what is required is the strategic location (say in a police station) of the right machines, tools and implements in the residential neighborhoods in densely populated cities; now combine this with the organized harassment through the politicians and the police agents: well, one can potentially control each single mind. The USA has, in the past, carried out extensive research on this aspect and also executed the same under the codename \x93Cointelpro\x94, wherein the black rights activists were targeted by the State through organized stalking and electronic harassment. The USA has officially shelved this program, but, if the conspiracy theorists are to be believed, the program has been institutionalized across the globe for targeting prospective rebels and rebellion. However, the more distressing is the prospect of direct penetration of minds using the Nanobots; the Nanobots are microscopic robots invisible to human eyes and, when diffused in the air, can be inhaled. Logical extrapolation makes me believe that the objective of the future brain research will be to unravel as many mysteries of the brain as would be necessary to effectively employ Nanobots for controlling the human mind through computer commands: This would be an alternative way of achieving artificial intelligence by converting humans themselves into robots.

I don\x92t know whether the above objective is achievable, but look at the prospects of human right violations even if such a research is carried out, and we never know what other methods of mind control may be under contemplation or discovered. **Last but not the least, what about the unwilling guinea pigs, who are left no more than zombies?** ©2014-2015 Ankur Mutreja

Chapter 3.1.2: Legalising Prostitution

(November 2014)

As per the Immoral Trafficking (Prevention) Act, 1956, India, prostitution means *\x93the sexual exploitation or abuse of persons for commercial purposes or for consideration in money or in any other kind, and the expression \x91prostitute\x92 shall be construed accordingly.\x94* However, it is to be noted that the Act doesn\x92t criminalize prostitution *per se*; it only criminalizes certain instances of prostitution; it criminalizes prostitution in brothels; i.e., any place where two or more prostitutes practice their trade or a single prostitute practices her trade for the gain of another person, not for her own gain; it criminalizes living on the earnings of a prostitute with a rebutable presumption that any adult habitually in the company of a prostitute is living on her earnings; it criminalizes prostitution in vicinity of a public place; it criminalizes soliciting clients in a public place; and it obviously criminalizes all kinds of trafficking, explicit or implicit, for the purpose of prostitution; however, the most controversial provision is the one providing for removal of prostitutes from any place, whatsoever, by a DM/SDM/Executive Magistrate within his local jurisdiction in **General Public Interest** \x97 it is to be noted that police officers are often given the powers of executive magistrates.

From the above, it clearly emerges that prostitutes, irrespective of their mode of practice, are considered as out-castes. They are not allowed to associate with the community at large as of right, and, even in the cases of individual interactions, there is hardly any chance for them to interact with the people other than those from their own profession, for anybody seen habitually with a prostitute runs the risk of being called her parasite and thus a criminal; they also can\x92t form partnerships or solicit clients freely, thus restricting their practice of their profession.

It seems there are already talks to amend the Act. In 2006 as well, a bill was introduced but it lapsed (Re: http://www.prsindia.org/billtrack/the-immoral-traffic-prevention-amendment-bill-2006-143/). The bill deleted the provisions putting restrictions on soliciting clients and providing for removal of prostitutes.

I think Section 20 of the Act providing for removal of prostitutes is extremely derogatory. A prostitute without being termed a criminal is, nevertheless, being treated like one. She is being left at the mercy of the community to be accepted

as a regular resident/citizen, which, more often than not, is denied; and, thus, the prostitutes tend to congregate and live their limited existence in ghettos like G. B. Road, *Sonagachi*, *Kamathipura*, etc.; and then the community conveniently designate these areas as \x93red-light\x94 areas \x97 or, should we say the law regularized the derogatory practice of the society? So, the amendment deleting this provision was certainly welcome.

However, the other amendment deleting Section 8 of the Act providing for restrictions on soliciting clients in a public place was not welcome. The solicitation of clients for the purpose of prostitution would obviously not be decent because the society doesn\x92t consider sex *per se* to be a decent activity, which, in a way, is also correct \x97 if ever, only nuns and popes would enter into disciplined decent acts; the rest would do sex passionately and wildly. So, the solicitation of clients for paid sex would naturally tend to be indecent: Who will ever go to a prostitute wearing black robe with wide collars? I would say the solicitation of clients by prostitutes is a tricky issue; some kind of official list of prostitutes with contact details for further private communication displayed at public places, is the best way to advertise prostitution.

However, I think the pro-prostitution proponents want greater freedom for prostitutes in the practice of their profession: They would like them to form partnerships, appoint pimps and managers, and even open licensed brothels. There are certainly some very ulterior motives involved in all this. There are people who don\x92t only want to earn huge Dollar/Rupee profits from prostitution but also want to use women as currency, which can be laundered and re-minted almost perpetually; and they are trying to shoot from behind the shoulders of prostitutes. Their motives are clear from the kinds of debates they hold in media: They keep terming prostitution as illegal \x97 but which it is not as per law \x97 and, in disguise of giving dignity to the prostitutes, they want to run industries where women would be labor, capital and goods, all at the same time, but, nevertheless, under the control of the capitalists; they want to make rape an industry. The present BJP Government was expected to help them in their motives, but this soon! That was not expected. I would say this debate has thrown up a very serious challenge before the real women rights activists against the fakesters. They will have to guard against any attempt, however indirect and remote, of the present government to legalize any kind of trafficking and/or industrialization of women. The *status quo* with respect to provisions restricting formation of prostitute partnerships or even restricting their free individual

associations will have to be maintained for the better good of protecting women against their own commodification \x97 in another of my writings, \x93Working Indian Women and Prostitution\x94 (Re: Ch. 4.3.5), I have said that a prostitute has every right to get married like normal girls but only after leaving the profession, and, here, I reiterate it. © 2014-2015 Ankur Mutreja

Chapter 3.1.3: SC/ST Quota in Promotions

(September 2012)

A new debate has emerged on the Indian *newscape*: Should there be quota in promotions? Incidental to the debate is the legal question: Will the constitutional amendment introduced in the Parliament pass the test of judicial scrutiny? I don\x92t intend to discuss the second question except to express a *prima-facie* view that there wouldn\x92t be any challenge to the Basic Structure of the Constitution by introducing promotions in jobs for the SCs/STs; the logic is simple: the courts wouldn\x92t look into the discretion of the Legislature to designate the SCs/STs as backwards, and, other than this, there won\x92t be any challenge to the Basic Structure in reference to the **M. Nagaraj case** (Re: M. Nagaraj v. Union of India (2006 (8) SCC 212); download from http://indiankanoon.org/doc/102852/).

However, the real question, i.e. the first question, is clearly a political question. I have heard two sets of alleged material facts, which I believe to be true: First that there are no or negligible SCs/STs in the secretary level posts in the ICS, and, second that the SCs/STs generally join the services very late with a time gap of around 5-6 years to the general candidates. The ramification of the two facts is that the SCs/STs never reach the highest administrative grades.

I think there are no further relevant issues in the present debate. The SCs/STs have a genuine grievance that they are not represented in the higher echelons of the decision making, and, therefore, in spite of all the reservation benefits they get, they don\x92t get to influence the decision making at the policy level \x97 though it\x92s another question whether an administrative officer should even be trying to influence the policy making given they are not supposed to make policy decisions as that\x92s the work of the ministers; however, we all know how the Indian system works, and what competitiveness the ministers bring to the table.

At the same time, there is also an issue of reverse discrimination. The SC, in its wisdom, held in the **M. Nagaraj case** that \x93Catch-Up\x94 and \x93Consequential Seniority\x94 don\x92t form part of the Basic Structure. However, that doesn\x92t mean that the Legislature will completely ignore it. There ought to be some guidelines for promotions and \x93Consequential Seniority\x94; these just can\x92t be caste based promotions and \x93Consequential Seniority\x94, as is intended to be done. With respect to the

challenge of equality, the logic of the SC judgment was that the two contradictory issues of affirmative action and reverse discrimination would get settled while ensuring controlling factors of backwardness and inadequate representation, which were held to be contextual to be determined on case-to-case basis in the light of the available **data**; the word \x93data\x94 is very important because now the \x93data\x94 is being replaced by the \x93common opinion\x94 of the Legislature, which, as already stated, won\x92t be scrutinized by the courts within our existing constitutional scheme.

I think, in the current monsoon session, the Legislature doesn\x92t represent the \x93general will\x94 of the citizens of India with respect to \x93quota in promotions\x94 because the parliamentarians are not debating but fighting; people in India are sane enough not to entrust the expression of their \x93general will\x94 to such hooligans; the Parliament is in *\x93Paglapur\x94* state these days.

The best thing for the parliamentarians will be to take a break, go for a picnic, and, may be, flirt with each other \x97 better than flirting with the trust of the people. ©2012-2015 Ankur Mutreja

Chapter 3.1.4: Toongate: the Attack on the Professor is Disgusting

(April 2012)

I generally keep away from commenting on political comedies, but what the Trinamool has done in this Toongate episode is more than that. The Trinamool\x92s action of allegedly assaulting and charging the unknown (not any more) professor with s. 509 IPC is similar to what the Gujarat Government did to Sanjeev Bhatt. S.509 IPC is a cognizable offence, and defamation, u/s 499, is not; the charge u/s 509 IPC seems to have been made out just in order to ensure police investigation and arrest. This seems to be a clear case of misuse of the state\x92s power as the professor has also been arrested by the police, which wouldn\x92t have happened if the case was made out only u/s 499 IPC. S. 509 IPC seems to have been added deliberately to arrest and humiliate the professor.

The cartoon, at the face of it, doesn\x92t show any intention to insult the modesty of or intrude into the privacy of Mamta Banerjee. \x97 u/s. 509 IPC, the context is limited to that of instantaneous intrusion of sexual privacy, not just any privacy; i.e., intrusion into the privacy of a woman by touching her body parts inappropriately or by instantaneously exposing those body parts of the woman which she kept private, etc. I have not seen the movie *Sonar Kella*, but, from whatever I read about it on the internet, I don\x92t see any derogatory sexual reference to Dr. Hazra (fake/real) in the movie, with whom Mamta Banerjee seems to have been compared. Anyways, even if there is any such reference in the movie, this wouldn\x92t be a case u/s 509 IPC because there is no instantaneous intrusion of privacy. S. 509 IPC can\x92t be expanded to make a provision against **blasphemy of women** (even if we assume all women are goddess) because then it would mean we just can\x92t call any woman corrupt, immature, imprudent, etc., because all this would be *prima-facie* defamatory, and thus an intrusion into the privacy of the woman defamed, and thus **liable to arrest**.

S.499 IPC has been kept as a non-cognizable and compoundable offence; there is already an ongoing debate on removing s. 499 IPC from the Criminal Code, and, in this, the TMC goes ahead and misuses s. 509 IPC to make s.499 IPC a tool for state oppression! This action is not only autocratic but also disgusting. This is pretty similar to what happened to Sanjeev Bhatt, which I have covered in

another of my writings, \x93It is time for President\x92s Rule in Gujarat\x94 (Re: Ch. 3.1.7). However, there is only one benefit of doubt that can be given to Mamta Banerjee: She might not have been aware of the actions taken by the TMC\x92s local cadre. If such is the case, Mamta Banerjee, as the head of the TMC, should immediately dismiss the 20 TMC goons who attacked the professor, and she should also ensure that the prosecution see them through trial and conviction, including u/s 211 IPC; failing which, this is also a fit case for President\x92s rule.

Addendum

It seems there were also allegations of hacking under the IT Act against the professor, and the professor might have been arrested for that. But, no investigation under the IT Act can be carried out by less than DSP rank officer. So, the private persons couldn\x92t have arrested the professor and taken him to the police station. In any case, the TMC workers have committed grave crimes, and they need to be punished. ©2012-2015 Ankur Mutreja

Chapter 3.1.5: Minority Report - an Indian Adaptation

(March 2012)

When I watched the movie \x93Minority Report\x94, I was scared to death on the prospect of robot-police entering the bedrooms of people for taking their IRIS scans to catch an alleged criminal not because I am a criminal but because I don\x92t trust the State, especially the Police. But, it was just a movie, and its chances of turning into reality were remote in India\x85but, not really! The scary movie has already turned real in India, and there is no Hero in this movie, albeit there are plenty of villains.

The name of the villain/s will vary from person-to-person depending upon their discernment of facts. Nevertheless, I suggest the following names:

1) Mr. Manmohan Singh, the Prime Minister.

2) Mr. P Chidambaram, the Home Minister.

3) Mr. Pranab Mukherjee, the Finance Minister.

4) Mr. Nandan Nilekani, the UIDAI chief and ex-CEO, Infosys.

5) Mr. Montek Singh Ahluwalia, the Planning Commission\x92s Deputy Chairman.

6) Mr. L. K. Advani, the Home Minister of the NDA Government in the year 2003-04.

7) Mr. Atal Bihari Vajpayee, the Prime Minister of the NDA Government in the year 2003-04.

I will just state the facts and leave it for the readers to choose their villain/s.

Minority Report \x96 the FACTS

The movie started in 2004 when the politicians of this country, at the time of the NDA Government, amended (Re: http://www.legalindia.in/the-citizenship-amendment-act-2003) the Indian Citizenship Act by inserting Sec 14A, which made it mandatory for every citizen of India to register for National Register of Indian Citizen (NRIC) by providing his or her personal information. Sec 17 of the Act was also amended increasing the punishment for providing wrong information from six months to five years. No clues were provided in the Act as

to what all will be collected for the registration. At the same time, the Registrar General, India, who is under Home Ministry, was also made the National Registration Authority. Subsequently, a division was created under him for collecting data of the usual residents of India to be entered in the National Population Register (NPR), which data is to be used eventually for preparing the NRIC. As per the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 (Re: http://mha.nic.in/pdfs/citizenship_rules2003.pdf), the following information will form part of the NRIC:

(i) Name

(ii) Father\x92s name

(iii) Mother\x92s name

(iv) Sex

(v) Date of birth

(vi) Place of birth

(vii) Residential address (present and permanent)

(viii) Marital status \x96 if ever married, name of the spouse

(ix) Visible identification mark

(x) Date of registration of Citizen

(xi) Serial number of registration

(xii) National Identity Number

In the year 2011, a door-to-door enumeration was carried out, in which 15 personal details were collected. At the same time, Mr. Nandan Nilekani started collection of biometric information of the usual residents including IRIS scans for the purpose of issuing AADHAR cards. As per the National Identification Authority of India Bill (Re: http://www.prsindia.org/billtrack/the-national-identification-authority-of-india-bill-2010-1196/), the collection of information is not mandatory, and a resident may opt out of AADHAR registration; but, as per Mr. Nilekani in one of his interviews, the service providers like banks may make the mentioning of AADHAR numbers necessary for availing their services; the bill is still pending, and the collection of information till now is on the basis of a Cabinet nod. How exactly? I don\x92t know.

The Home Ministry, led by Mr. Chidambaram, raised concern about the

information to be collected by Mr. Nilekani and recommended collection of biometric information under the NPR only. From time-to-time, I have been visiting the FAQ section of the NPR website (Re: http://ditnpr.nic.in/FAQs.aspx) and also other relevant portals, and, as per my knowledge, the biometric information was not to form part of the NPR earlier. Also, the same is not necessary as the information forming part of the NRIC (mentioned above) doesn\x92t include the biometric information. However, my recent visit to the NPR website leaves me bewildered as the **biometric information now forms part of the NPR to be collected compulsorily by the Home Ministry**.

As per the news reports (Re: http://ibnlive.in.com/news/uid-nilekani-pc-reach-compromise-deal/224773-3.html), a compromise has been reached between the Home Ministry and Mr. Nilekani, as per which *\x93[t]he NPR will continue to capture biometric data, but if a person says he/she has taken an Aadhar number, no biometric data will then be collected by the NPR.\x94* However, the collection of biometric data would remain compulsory; those who don\x92t get covered by the UIDAI shall be covered by the Home Ministry; and, it seems, it shall be ensured that the failure to provide biometric data would carry a punishment of five years u/s. 17 of the Citizenship Act, 1955.

Now the readers may make their own conclusions; however, I will offer the following hint: The villain is not always the one who appears to be so; in a conspiracy, it is always very difficult to identify the master-mind, and guesses have to be made.

India has now become the worst country of the world: The residents herein have to compulsoraly divulge their biometric data to even live here. People need to learn running because, eventually, they will have to run away from this country. ©2012-2015 Ankur Mutreja

Chapter 3.1.6: Intelligence v. Investigation; In Reference NCTC

(February 2012)

There is a fine distinction between an intelligence agency and an investigative agency. Inclusion of the CBI in the list of exceptions under the RTI Act is a clear non-understanding of this fine distinction \x97 or, should I say, it was deliberate \x97 and the reason for this is the lack of respect for the privacy of people. In **R. M. Malkani case** (Re: R. M. Malkani vs State of Maharashtra, 1973 AIR 157, 1973 SCR (2) 417; download the judgment from http://indiankanoon.org/doc/1179783/), the privacy of an accused was infringed to record the conversation between him and the complainant, of course, without the knowledge of the accused; a contention was raised that the evidence was inadmissible for having being collected illegally by infringing the privacy of the accused; however, the Supreme Court overruled the contention. Here is where the problem lies: the collection of information by an investigative agency in the course investigation shouldn\x92t be anything other than the public information or the private information collected by a procedure established by law. If not, it becomes intelligence, which by its very nature is intrusive \x97 assuming that the intelligence agencies never collect information by a procedure established by law, and it\x92s no point debating it. If the investigative agencies are allowed to invade the privacy of people without following a procedure established by law, it would be anarchy, not law; and the investigative agencies will cease to be the institutions of a Democracy. However, the police forces in this country have Crime Investigation Departments (CID), which do nothing else but intrude into the privacy of people; so much so that they want to make everything public by installing cameras at each and every place, by collecting IRIS data of each and every Indian, etc. And, of course, there are also the National Investigative Agency (NIA), the Central Bureau of Investigation (CBI), etc., which also intrude into the privacy of people with impunity.

Now comes the National Counter Terrorism Centre (NCTC), a nodal agency to co-ordinate the activities of all the investigative and intelligence agencies of the country with the perspective of controlling terrorism. An intelligence agency can\x92t control the investigative agencies, but, definitely, it can collect legitimate information from them. I don\x92t know what exactly this new agency is going to do, but if it is going to control the investigative functions of

the police, then the concerns of the states are well-founded not only because it infringes upon the rights of the states but also because it will turn all police forces into intelligence bureaus, which is dangerous; but if such is not the case, the concerns of the states are obviously misconceived.

However, I have a fundamental problem with the growth of intelligence agencies because they are beyond law, non-answerable to anybody, working under no compulsions whatsoever. In India, they are created by administrative orders, but, even if assuming they were responsible to the Parliament, it doesn\x92t change things much: up over there, they are all the same, and, since there are no privacy laws in India, they can very much do whatever they want. A citizen can go to the Supreme Court u/a. 32 r/w a. 21 of the Indian Constitution r/w a 21 for the protection of his Right to Privacy, but only if he has knowledge of its infringement: The activities of the intelligence agencies are completely secretive, and no one knows what they do and why they do it. In other words, the presence of intelligence agencies in a country is inversely proportional to the happiness of the people residing therein.

I don\x92t know what is the level of terrorism threat that India is facing, but the creation of any new intelligence agency directed towards blurring the distinction between intelligence and investigation is completely undesirable; however, if the creation is directed towards making the distinction obvious by taking the intelligence functions away from the police\x85well, I think, it can be allowed, but only if the threat of terrorism is real and extreme. ©2012-2015 Ankur Mutreja

Chapter 3.1.7: It is time for President's Rule in Gujarat

(September 2011)

The Narendra Modi Government has fallen to a new low. The arrest of Sanjeev Bhatt for alleged offences u/s. 183, 189, 193, 195, 341 and 342 IPC is nothing less than the state\x92s victimization of a good citizen. It calls for president\x92s rule because the State is clearly acting like a terrorist here. I don\x92t understand why the Congress is silent? Why president\x92s rule has not been imposed yet?

I admit that I have got information about the offenses mentioned above from the media sources, so they have not been authenticated; however, I believe the media sources to be correct. It is also to be mentioned that a Criminal Writ Petition no. 135/11 is also pending in the Supreme Court with respect to these matters; however, I am neither aware of the prayers made in the petition nor of the contents of the petition. Nonetheless, out of the offenses mentioned above, the offenses u/s. 183, 189, 193 & 195 IPC are non-cognizable offences; and, except for s. 195, they are also bailable offences; the offences u/s. 341 and 342 IPC are also bailable offences. Sanjeev Bhatt has not been released on bail, which means the arrest has been made with respect to offence u/s. 195 IPC, which is completely illegal as follows.

Let me first mention that the offence u/s. 195 IPC is an offence of which, as per s. 195(1)(b) CrPC, no court can take cognizance without a complaint u/s. 340 CrPC in writing from the court concerned. So, in the above case, the offence u/s 195 IPC can\x92t be treated as a cognizable offence u/s 155(4) CrPC by clubbing it with the s. 341 and 342 IPC offenses as then the investigation so carried out by the police will not satisfy the provisions of s. 340 CrPC as, under s. 340 CrPC, the enquiry has to be made by the court concerned.

I agree that, in **State of Punjab v. Raj Singh** (Re: State of Punjab vs Raj Singh, AIR 1998 SC 768; download the judgment from http://indiankanoon.org/doc/631114/), it has been held that *\x93the statutory power of the police to investigate under the code [i.e. CrPC] is not in any way controlled or circumscribed by Sec 195 CrPC\x94*, and the Supreme Court further held, *\x93it is of course true that upon the charge-sheet [challan], if any, filed on completion of the investigation into such an offence the court would not be competent to take cognizance thereof in view of the embargo of Section*

195(1)(b) CrPC, but nothing therein deters the court from filling a complaint for the offence on the basis of the FIR [filed by the aggrieved private party] and the materials collected during investigation, provided it forms the requisite opinion and follows the procedure laid down in Section 340 CrPC.\x94

In effect, the Supreme Court deemed the investigation carried out by the police as an enquiry carried out u/s 340 CrPC; however, the investigation carried out by the police for being deemed as an enquiry u/s. 340 CrPC has to be a legal investigation, not just any investigation. Section 155(4) CrPC gives power to the police to treat a non-cognizable offence as a cognizable offence in the circumstances mentioned therein and investigate into it without an order from the magistrate concerned; however, s.155(4) CrPC can\x92t be extended to a case where the investigation carried out by the police is a deemed enquiry u/s. 340 CrPC as the court concerned which ought to make the complaint u/s. 340 CrPC may not have the opportunity to treat a non-cognizable offence as a cognizable offence u/s. 155(4) CrPC; and even when it has an opportunity to do so; i.e., when a common enquiry under s. 340 CrPC is to be carried out for a cognizable offence and a non-cognizable offence; it can\x92t do so because s. 155(4) CrPC does not apply to an enquiry under s. 340 CrPC as it applies only to a pure police investigation.

The police\x92s power to investigate *suo moto* arises only in the case of a cognizable offence. In the case of a non-cognizable offence, the police have no power to investigate without the order from the magistrate concerned, and even then the police can\x92t arrest without warrant. The investigation being carried out by the police in this case is completely illegal as non-cognizable offences u/s. 183, 189, 193 & 195 IPC have been clubbed with cognizable offences u/s. 341 and 342 IPC, thus treating all of them as cognizable offences. Thus, the arrest of Sanjeev Bhatt in the course of such illegal investigation is also illegal. It is a clear case of the usurpation of the power of the court concerned, i.e. the Supreme Court, by the police in order to make an arrest and harass a good citizen. It is unbelievable! What is it if not victimization!

If all the facts that I have stated above on my belief of the media reports are true, Modi has no right to be Chief Minister, and the BJP has no right to rule Gujarat. **It is time for President\x92s rule in Gujarat.** ©2011-2015 Ankur Mutreja

Chapter 3.1.8: Slutwalk in Delhi Is Fine

(June 2011)

To be very frank, I didn\x92t have any intention of forming any opinion on this issue. Like many others, I believed that the use of phrase \x93Slutwalk\x94 is some kind of promotion of prostitutes and prostitution, projecting them as an important and integral part of society not to be relegated to an inferior position.

However, a little research tells me that the concept of \x93Slutwalk\x94 got introduced as a result of some Torronto police officers\x92s comment that if girls don\x92t want to be raped, they shouldn\x92t dress like sluts. Here, the problem with the police officer\x92s comment is not with respect to women\x92s restricted right of making public appearances in a society, but with respect to his comment that a woman can be raped just because she dresses up like a \x93Slut\x94 or behave anti the so-called norms of a society. A rape, more than a sexual crime, is a crime against the privacy of the woman raped, which is a right guaranteed under Article 21 of the Indian Constitution; more powerful persons, physically or otherwise, can\x92t be allowed to take away the fundamental rights of a woman just because she dresses up like a slut. That\x92s obnoxious!

In India, the \x93Slutwalk\x94 is being organized by a 19-year-old girl-student Umang Sabharwal, whom I just heard in a TV debate. I think, irrespective of whether she gave a deep thought before organizing this event, her intuitive understanding of the issue is fine. She convincingly answered the so-called intellectuals by putting the things as simply as this, \x93the women of Delhi want to make a declaration that, yes; we are *besharams* [Sluts].\x94 With this declaration, also goes the message that all the *besharams* of the Delhi City have now united; rape them if you have guts. So, the \x93Slutwalk\x94 is basically a warning to the powerful men (and women) of the society. If the message is just this and nothing else, I think the \x93Slutwalk\x94 in Delhi is fine. ©2011-2015 Ankur Mutreja

Chapter 3.1.9: Privacy of Ratan Tata

(November 2010)

Undoubtedly, the privacy of Ratan Tata has been infringed: He has a private life and has every right to abuse, gossip, flirt, fantasize, crib, dream, etc., in his private life; no body has any right to listen to him *sans* permission unless he talks to some person performing some public duty (directly or indirectly) with respect to some public affair. Nira Radia might have acted as a public person in some of her talks, but not in the case of Ratan Tata (I have only listened to the black-gown conversation, don\x92t know about others). The test is whether the taped conversation between Nira Radia & Ratan Tata can be divulged under the RTI Act. My answer is no.

Now, let us see whether he can get any relief from the Supreme Court. My answer is again no. The right to privacy under Article 21 of the Indian Constitution is available against the State, not private persons, and this is the law at present; so, Ratan Tata can\x92t get any injunction against the private press under Article 32 r/w Article 21 of the Indian Constitution. Personally, I am against this law and have also tried contesting it in the past but was not even heard; and, I don\x92t see any reason why Ratan Tata would be heard.

The crux of the matter is that, in India, we don\x92t have the American \x93Due Process of Law\x94. BTW, the American \x93Due Process of Law\x94 wouldn\x92t help Ratan Tata in America, but, in India, it can help by virtue of Article 21 of the Indian Constitution: The **Maneka Gandhi Judgment** (Re: Maneka Gandhi vs Union of India, 1978 AIR 597, 1978 SCR (2) 621; download the judgment from http://indiankanoon.org/doc/1766147/) read along with some of the constitutional amendments carried out thereafter can bring in \x93Due Process of Law\x94 in India through back door by breaking some of the concepts established in the **Maneka Gandhi Judgment**. I hope Ratan Tata\x92s lawyers can do it, and I hope, thereafter, the corporate stop infringing the privacy of others: they are the biggest culprits. ©2010-2015 Ankur Mutreja

Chapter 3.1.10: Privacy and Sting Operations

(March 2010)

Privacy is derived from the word \x93private\x94, which is an antonym of the word \x93public.\x94 There has always been a conflict between the society and the individual, so much so that some thoughts in sociology even consider privacy a disease. Though, obviously, such thoughts are corrupt because privacy is an essential ingredient of the personal liberty of an individual, and **No Privacy Means Slavery**.

The definition of privacy is easy and clear: All power with respect to the private information of an individual should remain with the individual subject to the norms of the society. Some of these norms are indeed set up by the powerful individuals, who use society as a medium to further their self interests. However, other norms are set up genuinely by the society, and one such norm is to not to allow complete privacy to individuals. No individual can exist in a society unless at least he discloses his identity to the society; so, some of his personal details like name, sex, age, etc., can never remain private. However, if an individual is a public figure or is involved in some public duty or is active in a public space/forum, he needs to disclose a lot more (a person active on a public street can hardly claim privacy from disclosure of his identity and acts; however, at the same time, nobody can disclose the identity of a *pardanasheen* though can disclose the acts), and if an individual fails to disclose appropriate information, the society find out ways to gather the same.

It may often happen that the same means are used by the society to gather both appropriate and inappropriate information: \x93sting operation\x94 is one such means. So, the word \x93appropriate\x94 becomes very important. There are some interest groups that consider the knowledge of private sex lives of individuals as appropriate public information, especially if the individual concerned is a public figure or is involved in some public duty. For example, some people in the Aligarh Muslim University consider the private sex life of their teacher as appropriate public information; yet some others elsewhere consider the sexual adventures of the movie stars, the religious gurus and the politicians as appropriate public information. It is hardly a debatable question whether society approves of it; at least the law don\x92t, which means even the society doesn\x92t: Under section 294 IPC, an obscene act in a public place is an offense, which obviously includes sexual intercourse in a public place. BTW, as

per law, a public place means any place frequented by public, irrespective of whether the place is a private property or a public property; and \x93public\x94 means any class of public or community: Even a single person can form a class, for example \x93the President of India\x94. So, how can the law allow public display of the private sex life of an individual? Rather, the strictest punishment possible should be awarded under section 294 IPC to those who indulge in such public exhibition of sex lives of individuals. However, I know there is hardly any punishment that can be awarded under section 294 IPC; so, what we need is a strict comprehensive privacy law, in which the infringement of privacy is considered an offence, and the strictest punishments possible are provided for.

However, at the same time, some \x93sting operations\x94 have also served useful purpose. The public disclosure of the illegal acts of the public servants in contradiction to their well laid out public duties is definitely beneficial to the society. A politician or a bureaucrat caught accepting bribe doesn\x92t call for any privacy. Moreover, the recording of these acts and making them public thereof doesn\x92t infringe anybody\x92s privacy. As per the law laid down by the Supreme Court in **Rajagopal v. State of Tamilnadu** (R. Rajagopal vs State of T.N., 1995 AIR 264, 1994 SCC (6) 632; download the judgment from http://indiankanoon.org/doc/501107/), a public servant has no right to privacy for the acts done in discharge of his public duties. So, if I record and make public my conversation with a public servant in which he demands bribe for discharging his public duty, I don\x92t infringe his privacy as I only intended to record his public acts in the discharge of his public duties.

Thus, there is no dilemma between \x93sting operations\x94 and privacy. Both can co-exist except that those carrying out these \x93sting operations\x94 will have to stop calling them that when they don\x92t infringe anybody\x92s privacy; and, when they do, they should anyways be banned. In other words, the word \x93sting\x94 should be banned. © 2010-2015 Ankur Mutreja

Chapter 3.1.11: LGBTs: Lesbians, Gays, Bisexuals, and Transgenders

(July 2009)

Are LGBTs actually a different sexual group, who are fighting for their rights to be treated equal to others? The only group which I have seen isolated and deprived is that of eunuchs, who earn their livelihood by dancing in social events and, lately, also by extortion and prostitution; they probably fit into the category of transgenders. Lesbians-Gays-Bisexual is not a different group, but, of course, unless they want to establish themselves as such; but, if they do, what is their identity? They say they follow different rules of love, and that\x92s their identity; but, I wonder, can there be any different rules of love. I think the only thing which differentiates them from the others is their indulgence in \x93unnatural sex\x94, which, most of the times, is without much love. Yes, the Delhi High Court is correct in saying that they have the Right to Privacy, and it\x92s nobody\x92s business to know what happens within the confines of their bedrooms; but, unfortunately, it is not often limited to bedrooms: Gays and lesbians often proudly display their different identity (should we call it inferiority complex). This group *per se* differentiate themselves just on the basis of their sexuality, and, unless they publicize their sexuality, they are in the danger of losing their identity. This is the important question which the decision makers need to look into; i.e., whether the recognition and promotion of a group which indulges in \x93unnatural sex\x94 beneficial?

I think it is not beneficial. Even when we take the cases of transgender/eunuchs, there have been stories of forced conversion of normal people into eunuchs; they exist in close mafia like groups and often indulge in gang fights; they follow a very restrictive community culture in which all are subordinate to their respective mentors/gurus, and they follow the command of their gurus without questions. All in all, they live a very unnatural life, restrictive to any kind of creative growth of mind. Similar are the cases of gays. Though they don\x92t have such restrictive lifestyles, but they do have distorted ones: Most of the full time gays indulge in prostitution; many of them spend most of their time searching for suitable sex partners; only a few like established fashion designers, corporate honchos, etc., do any thing worthwhile other than sex. Actually, the idea of equality of a group, whose only differentiating factor is its sexuality, while safeguarding the sexual privacy of the group members, is self-

contradictory. A group which itself makes its sexuality public can\x92t demand privacy for its sexual acts: If someone says he is a gay, then the obvious inference would be that he indulges in non-vaginal sex, and this information can\x92t remain private; this information can remain private only if no group of gays exists, and the consenting individuals can continue to have whatever sex they want but within the confines of their bedrooms; of course, no policemen would ever get to know anything \x97 I wonder if there is any healthy straight couple which doesn\x92t indulge in non-vaginal sex (including oral sex) once in a while. So, unto this point, Sec 377 is definitely against Article 21 and has been rightly held void, but the recognition of LGBTs as a different sexual group and upholding of their Right to Equality especially under Article 15, which reads, *\x93the state shall not discriminate against any citizen on grounds only of religion, caste, sex, place of birth or any of them\x94*, is just not understandable. Can there be a different sexual group (biologically) because of a different sexuality (practically)? I think it is not possible. Existence of such sexuality is an exception, which can\x92t lead to the changes in the Laws of the Nature, which only recognizes men and women. The LGBTs do have a right to equal treatment under Article 14, but not under Article 15, because doing so creates an unwanted category of people, who remain always in minority at odds with the majority and never get the Right to Equality in practice, irrespective of the judgments and the law.

Post Supreme Court Judgment Addendum

Agreed they indulge in \x93unnatural sex\x94, but so do straight couples (non-vaginal sex). Can the State intrude into the private sexual lives of the people? Or, in other words, if someone goes and makes a complaint to the police that a couple indulges in \x93unnatural sex\x94 and submits a furtively created sex-video in support, will the police put the couple under surveillance u/s 149 CrPC, so as to peep into their private sexual lives? If not, how can s. 377 IPC be sustained without modifications? There is a clear infringement of privacy in the cases u/s. 377 IPC; the SC has failed to appreciate it, which seems to be an error apparent on the face of the record.

After the fast perusal of the SC Judgment (Re: Suresh Kumar Kaushal v. Naz Foundation, SLP (civil) no. 10972 of 2013 in the Supreme Court of India; download the judgment from http://judis.nic.in/supremecourt/imgs1.aspx?filename=41070) on LGBTs, I am made to believe that the SC has impliedly held that the people don\x92t have any Right to Sexual Privacy u/a 21 of the

Indian Constitution, and any criminal procedure u/s 149 CrPC infringing the same is not undignified and therefore not arbitrary and therefore not violation of a. 14. Now, this is highly regressive: Instead of expanding the scope of the Right to Privacy, the SC has chosen to limit it further while referring to the past judgments wherein the sexual privacy had not been discussed in the same context as raised in the appeal before the SC. It is a complete blank out to even think that the people have no recognized Right to Sexual Privacy in India. How can the SC even come up with something like this? In a single stroke, the SC has made all the porn videos created by the State legal \x97 yes they do it. This is a highly regressive judgment. Incredible! The Parliament not only needs to quash the provisions like s. 377, s. 497 IPC, etc., but also needs to immediately pass a comprehensive law on privacy; else some robe-clad eggheads will keep making stupid sermons from behind the safety of the bench.

The LGBT judgment has created a serious crisis of human rights. Sexual privacy is part of Article 21 of the Indian Constitution \x97 one wouldn\x92t even blink an eyelid before thinking so. But, not anymore, now people in India have no sexual privacy: The State can legally peep into the bedrooms of the people u/s 149 CrPC because s. 377 IPC is a cognizable offence. WTF! Why the many liberals didn\x92t intervene and left it only to the LGBTs to fight the court battles? LGBTs wanted the recognition of their group identity, which they didn\x92t get, but they ended up taking away the sexual privacy of all the people in India. Now, the Parliament has to pass a comprehensive privacy law before all these parliamentarians face a serious threat to their persons and property from the people at large. There just can\x92t be any premature ending of the winter session. F-off with financial business; first pass the privacy law and also a constitutional amendment making right to privacy a fundamental right as has been done in the case of Right to Education. ©2009-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 3.2: Economy

Chapter 3.2.1: Hindutva Budget 2014

(July 2014)

Now I know for sure that the markets don\x92t understand \x93HIndutva\x94, else they would have touched upper circuits by now. \x93Hindutva\x94 is distinct and separate from the Hindu religion: it is an ideology of political expediency, which was propounded by the late-comers/losers to gain some fast penetration amongst the hysterical Indians, for the secure Indians had already chosen Gandhi\x92s Congress. Their attempts at that time didn\x92t bore much fruits because the saintly status of Gandhi gave an aura of security to the non-ambitious Indians. However, now after liberalization and globalization, the aspiration of the people have risen manifold, and the politically expedient \x93Hindutva\x94 (can also be called \x93Moditva\x94) has shown them a chimera, which the people have ingrained in their dreams (or nightmares if you wake up from the sleep fast). However, this new \x93Moditva\x94/\x94Hindutva\x94 is as shallow as its pre-independence version: it is an amalgamation of extreme conservationism in societal and cultural matters and classical liberalism in economic matters, which is nothing but the neo-liberalism of the West.

However, whatever it is, the Budget 2014 is on the expected lines and follows a clear vision of Modi, which I think the markets have failed to grasp. The first and foremost requirement of this vision is an insensitive and paternalistic security mechanism, which manifest itself in the budget in the form of heavy defense expenditure and the emphasis on the NE. The second, and the most important, requirement of this vision is preparation for expansive economic growth, which manifest itself in the expansion of cities, the penetration of private sector in the rural areas, the industrial corridors, the road infrastructure, and the expansion of the corporate debt markets and the banking sector. This area has been handled very cleverly in the budget. The emphasis on smart cities including housing and real estate, high tech urban transportation and infrastructure, digital connectivity, etc., is the first fundamental preparation for the ruthless neo-liberal experiment; i.e., the preparation to ensure that the city dwellers remain entangled in the tiring engagements of the cities without getting any time to question the abuses of the corporate economy. The penetration of the private sector in the rural areas through \x93Rurban\x94 mission (the most dangerous proposal), the industrial corridors in the seven states from Punjab to

Bengal, and the emphasis on road infrastructure, are inextricably linked and present a proposal to rape the still virgin Gangetic Plain (\x93Namami Gange\x94). Last but not the least; the emphasis on the ever elusive corporate debt markets and the expansion of the banking sector is the third pillar necessary to fund the vision. This vision is also in alignment with the globalisation view (or may be not, depends on your vision) in which the US and the West would concentrate on the high end creative growth and scientific innovation, and the East and the rest of the world would carry out the labor intensive production.

However, I am failing to understand how the emphasis on renewable energy falls within the vision. This is not genuine, for if it was genuine, the first emphasis would have been on the environment-friendly, slow-moving vehicles. I am reconciling it by assuming that the renewable energy industry is a lucrative industry offering high potential for growth, and the proposals for indirect taxes with respect to renewable energy are an attempt to tap the potential.

I am not even interested in the details like the revenue lost because of the foregone indirect taxes, the expenditure breakup, the fiscal deficit, etc., because I know it is futile to even think of them. This is what India has chosen for itself; i.e. RAPE; so enjoy it as do rape victims after a while (at least the MCPs/dogs so think). ©2014-2015 Ankur Mutreja

Chapter 3.2.2: Indian Economic Crisis, 2013

(August 2013)

The world economy can be segregated into two parts: First, the interlinked market based economies of the countries/centers mostly following the US model of development, and, second, the islands of nations/regions de-linked from the globalised world sustaining themselves on the basis of local resources and local development. The Indian economy in the urban centers and most of the rural centers is now linked to the world economy, but, still, the majority of centers in India are de-linked from the globalised world, especially in the Naxal affected areas. For the last half decade or so, India has taken the brunt of the global meltdown, reflected best in the food inflation, which has not yet lessened or stopped \x97 it\x92s ironical that, at the same time, the US has recovered and the Europe is recovering.

A Small Digression: The other day I was hearing one joker on the TV who said India is shutting its windows instead of calling the fire brigade; what he meant by the fire brigade, he only knows; but an interesting analogy here would be that of the US fire, which spread to the whole world because the US never shut down its windows and had the air enough to let the fire spread to the neighbors, and now, it seems, the rain has extinguished the fire in the US, but the world is burning; unfortunately India doesn\x92t have that kind of air.

So, the fact of the matter is that the globally linked centers of India have already butchered this country, and now only the de-linked centers can save India; in other words, India needs to throw off all the gas and rely solely on the substance: It needs to make way for the outgoing foreign capital, which never belonged to India at the first place, and safeguard its domestic capital from pilferage, which is lying at present in the balance sheets of the domestic companies in the form of huge cash. The domestic capital can be safeguarded only if it is valued pragmatically, and no effort, whatsoever, is made to protect its inflated value; in other words, if the capital markets are falling, let them fall; if the Rupee is depreciating, let it depreciate; interfere only when the value of domestic capital seems falling below its deemed value. A rough estimate makes me believe that true valuation of Indian capital markets reflected in the sensitive index

shouldn\x92t be more than 13,000. The currency valuation is a tricky question, but I think any fall below 67 Rs. to a Dollar should be worrisome.

A message has to go to the domestic companies that the cash has to be immediately converted into plants and machinery, else get ready for confiscation through high taxes. Of course, the outflow of domestic money has to stop immediately, whether be it gold import, oil import or corporate investments \x97 if Iran is ready to sell oil in Rupees, then buy oil only from Iran; and learn to ride bicycles.

At the end of the day, the economies are run on day-to-day consumption, thus the people\x92s capacity to consume has to increase, whether in the form of higher disposable incomes or in the form of government subsidies/short-term expenditure. But, the consumption can kick start the economy only in the short term; if no investment is forthcoming from the private sector in the long term, and the multiplier effect has failed, the government needs to start spending in the long term capital formation as well, especially in infrastructure projects \x97 levy taxes to generate funds. Let there be huge fiscal deficit but no revenue deficit because that\x92s gross!

Addendum

In efficient markets, an event of currency depreciation is indicative of the weak fundamentals of the local economy, so, that way, the Indian economy should be in deep shit, but, we know well enough, no markets are perfect \x97 there was never any reason for 100% depreciation of the Russian and the South East Asian currencies all of a sudden \x96so, obviously, most of the current Rupee depreciation is because of the inefficient currency markets; however, an attempt to control the currency markets is also futile because India doesn\x92t have that kind of wherewithal: it can\x92t expend all its foreign currency reserves in controlling the Rupee depreciation. So, controlling capital outflow is the only answer.

However, from whatever little I heard of the Lok Sabha speech of the FM, and of the intervention of the opposition in the same, unless the players were playing to the corporate and the foreign investor\x92s galleries, India is in the hands of crooks. Neither the government nor the opposition is thinking in the interest of India as a sovereign entity, which lies in tight capital controls and increased domestic investments. However, at the same time, I saw certain graphs being displayed on the media channels showing the current account surpluses in the

cases of China and Russia; these surpluses are reflective of the independent sovereign statuses of the two countries, who have beneficial trade engagements with the West and also have enough domestic manufacturing/agriculture/services to fall back upon in case the situation changes.

The economists of this country are too concerned that the Rupee depreciation will lead to high inflation, but, not really if Indians started living within their domestic resources, not on imports. The economic theory which links the domestic markets with the international currency markets is based on the assumption of full capital convertibility, but, what\x92s the need to have it?

India has large CAD, but, how does it matter? The real question is whether you have generated enough foreign reserves to finance the CAD, which, the FM said, will be done in the current fiscal year, meaning thereby that the year beginning foreign reserves will be maintained as it is; however, this will definitely not happen if the Rupee depreciates at the rate it is depreciating, which is happening because of the currency market inefficiencies. So, the real question before the Finance Ministry is how to tackle these market inefficiencies, which is a purely tactical question. It\x92s like a party of dacoit has come to your house and taking all your cash, and your other property is not liquid enough to fund your day-to-day needs; how to stop the dacoits? If you have ever been robbed in this manner, you would know that the dacoits are kind enough to leave some diet money, but the currency markets don\x92t have emotions \x97 and those who control it are even worse.

If the current Rupee depreciation continues like this, India will have no other option but to make the Rupee inflexible by fixing it to Dollar or some other international currency, and to stop its trading altogether. I don\x92t know whether the situation has reached such a status, but, if it has, the earlier the Rupee is fixed, the better it is because later on India may not have enough foreign reserves to manage the fixed Rupee. ©2013-2015 Ankur Mutreja

Chapter 3.2.3: Budget Speech 2013

(February 2013)

I have no doubt that this year\x92s budget speech is very biased. The speech starts with a defensive statement that, given the serious current account deficit problem, there is no choice but to welcome the foreign investments \x97 and, therefore, when he mentions the CAD figure, he mentions it in the USD, clearly indicating the intention to mortgage the Indian sovereignty to fund the CAD. However, any novice in finance will tell that the best, and the only way, to balance a negative P&L account is to reduce expenditure and increase revenues. The government gets its revenues from taxes: so why not garner taxes from those who have extraordinary incomes? And why grant unnecessary exemptions to those who don\x92t deserve any? And why not cut defense expenditure, especially when, anyways, the sovereignty is being mortgaged? (By the way, the figure quoted for financing the current account deficit is USD 75 BN.) If it is not possible for you to do any of the above, then, for goodness sake, print more money than mortgage sovereignty \x97 I agree sovereignty is a collapsing concept but not for a mere USD 75 BN.

Further, I fail to understand this affection for growth. I think the FM is still under the influence of the Malthusian Theory of Population Growth, so he is preoccupied with economic growth; somebody tell him the Malthusian Theory was formulated over a dinner table, and many have shown thereafter that a few people can easily grow food for all with a little use of technology; so, the real booster of growth is technology. Grow technology if you want to grow economy, which innovative growth can\x92t come without satisfied labor; so, if you want innovation, satisfy labor by improving their living and working conditions before you satisfy capital by lowering its cost; in other words, attack inflation without worrying about growth, and fund the needs of the poor with the money of the super rich by levying taxes, not only surcharges, on them.

Any sane economist will tell that the biggest negative ramification of growth led economy is deteriorating environment; it is a cost which is never accounted for in the balance sheets of the corporate, but the budget speech devotes only three paragraphs to this section and provides only Rs. 800 Crores to the Non-Renewable Energy Ministry; it talks of waste-to-energy projects in the PPP mode, not in the purely public sector, and obviously doesn\x92t allocate any amount for it \x97 I think a minimum 10 year residence in a slum near a garbage

dump should be the necessary pre-qualification for becoming a finance minister, so that he may empathize with the problems of those who suffer because of industrial and urban growth.

Another disappointment in the budget is not much increase in the excise duty on diesel cars and SUVs: Though the excise duties on SUVs has been increased from 27% to 30%, but why not make it 40% or more in the case of diesel SUVs? And, at the same time, why not give further incentives to the electric vehicles\x92 manufacturers so that they can sell cheap (the extension of concession to electric vehicles is not enough)?

Last but not the least, there is an extremely irresponsible proposal in the budget speech with respect to radio broadcasting. The auctioning of 839 private FM channels covering all cities above 100,000 population is an extremely dangerous proposal \x97 I think the FM has never heard an FM channel. The contents on FM channels are completely unregulated and their reach is highly penetrative. The FM channels, at present, are only working as the agents of the neo-liberal conservative ideologists; they are subtly promoting the subordination of women by men by biased promotion of the item numbers and by loose sleaze talks of the radio presenters; they are projecting Bollywood as an ultimate source of entertainment and spiritual needs of the people; and they are promoting an environment of distrust and paranoia in relationships and a complete disregard for moral values. I wonder what effect the wide-scale penetration of the FM channels in the smaller cities will have on the Indian culture.

The FM, in his budget speech and the press conference, says that the only way to finance the current account deficit is through foreign investment. This is diversionary: The real question is what percentage of the CAD financing is actually the revenue deficit financing, which is getting financed by the foreign investment. If any big part of the revenue deficit is getting financed by the foreign investment, it is a serious issue. Moreover, even if the CAD is majorly because of the high imports, then also why can\x92t there be a revenue generation to fund imports? If I want to buy an imported good, I have to finance it from my own pocket; when I don\x92t get loans from the US to buy Gucci, why should the government get foreign investments to fund oil imports? And even if the loans have to be taken, why not take it from the domestic business (which is anyways not ready to invest in spite of so many tax exemptions)?

However, I find the idea of all women\x92s bank pretty good not because the bank will employ women but because it will cater to the women\x92s needs.

Presently, a woman is completely dependent upon the male member of the family for all financial decisions, and, ironically, though the property is bought in the name of the woman, she herself doesn\x92t make the decision mainly because the financial structure of the society doesn\x92t favor women\x92s participation in financial negotiations and decision making. If a mechanism can be created where women can join in the financial decision making process by controlling the flow of money \x97 which has become a big source of power in the capitalist world \x97 women can get inherently empowered at the grass root levels.

Addendum

Above, I think I have not well articulated the relationship between the CAD and the revenue deficit. The CAD, simply speaking, is the money we pay foreign countries on current account (let\x92s assume for simplicity that all countries have same currency, say Rupee). To balance the accounts, we need to arrange for this money; in the budget speech, it is mentioned that the money will most probably be arranged through foreign investments; it\x92s like saying that, for buying my Swiss chocolates, I will either borrow money from my Swiss friend or ask him to invest money in my blogs, but I needn\x92t do this if I earn enough from my blogs (which I don\x92t do for professional reasons) and pay for the Swiss chocolates from my own pocket. This incapacity to pay is my revenue deficit; basically, I am not earning anything but still buying Swiss chocolates, which puts me into deficit. So, the relationship is clear: I am actually financing my revenue deficit by financing my CAD. In the case of a country, there is an additional element of private imports and private investments. If the residents, instead of helping the government finance the revenue deficit from their savings, buy gold and, in turn, make private investments abroad, they leave the government with no choice but to seek the investments from abroad to finance their revenue deficit; but the moot question: why should there be revenue deficit at the first place? If it is because of oil and other subsidies, the government needs to generate equivalent revenues or cut expenditure to take care of the subsidies. The crux of the matter is that, till the time the amount of foreign investments financing the CAD is more than the amount of revenue deficit, the foreign investments actually finance the revenue deficit, irrespective of whether people buy gold or not \x97 even if they buy government bonds, not gold, but from the money borrowed from abroad, it\x92s only the foreign investments that finance the revenue deficit. The FM has, sans occasion, mentioned the CAD figure in his

budget speech for the reasons best known to him; all he had to do was to explain the government\x92s deficits, especially the revenue deficit; and, the moment he does that, the questions arise with respect to the defense expenditure, the tax exemptions to the corporate, the poor revenue generation from the super rich, and, of course, the subsidies *per se*. ©2013-2015 Ankur Mutreja

Chapter 3.2.4: Stop This Bloody Business of Notional Losses

(September 2012)

Excuse me for the uncivilized caption, but what I am writing below deserves none better.

Notional losses, as the name suggests, means calculation of loss/profit on the basis of some fictional reference point. Year 2004 is the starting point for this non-sense. This is the year when the transformation of India from a License Raj Economy to a Market Based Economy is deemed to have been completed under the NDA regime. The fictional reference point is, therefore, now always decided by the market forces. The CAG has recently released two reports, which has lead to a big embarrassment for the reigning government, but now I have no sympathy for them; they deserve it.

Let us see what has happened, and why the things have happened the way they have happened. In both 2G report and Coal report, the losses/profits have been calculated by the CAG on the basis of the profits the private players are deemed to have earned in the open markets; however, it is completely irrelevant as a basis for calculating the losses to the exchequer. This shows the frivolousness of the approach adopted by the CAG in auditing the government accounts. The markets can\x92t be the basis of any calculations in conservative auditing exercise: They can go haywire; they can project unrealistic numbers on the basis of a few big deals \x97 only the most naive investor believes that the markets are perfect. However, whatever the means, the ends were seemingly good as the reports were exposing the corruption though in a biased manner; however, being a finicky person, I supported the government in both the cases, but now I sincerely feel regretful.

This government has very clearly shown that it is wedded to the ruthless capitalistic ideology of market economics, and, therefore, they don\x92t deserve any better treatment. This government has recently increased the diesel prices and put up a limit on LPG cylinders; both the decisions are going to have a very strong negative cascading effects on the poor of this country \x97 it seems the politicians of this country are totally non-aligned to the needs of the poor, whom they can make fool at ease for furthering their ulterior objectives.

The often repeated phrase \x93under recoveries\x94 has been used once again to

justify the decisions taken by the government. \x93Under recoveries\x94 is being projected as a measure of loss for the oil marketing companies. Well, it is a notional loss, i.e. the loss calculated on the basis of global crude oil market prices, not the actual cost of production. The oil production companies of India sell oil to the Indian refineries at cost plus margin basis, which reduces the refinery-gate prices at which the OMCs buy from the refineries, which means the cost of oil products for the OMCs is actually lesser than the global market prices; and that\x92s because, globally, the crude prices are decided on multifarious considerations including the effect of the US hegemony on the global crude prices; the global oil producing countries also often hugely mark up their selling prices because they don\x92t have any other income than selling oil. I fail to understand why India has not made any efforts first to reduce the domestic oil consumption and secondly to forge alliances with the oil producing countries to barter oil & gas as the South American countries do. The worst of all, the private oil producers (read Reliance) sell crude to the Indian refineries at the global market prices; not only this, they are also allowed to export crude oil in the global markets.

Ever since 2004, the Indian Government has been issuing oil bonds to the OMCs to take care of their \x93under recoveries.\x94 This means that the OMCs are being paid for their notional losses, not actual losses, at pubic expense, which generates profit only for few of their shareholders. I will present an analogy: I have a small kitchen garden where I produce potatoes at the costs of say Rs. 5 per KG; I sell them to a potato *chaat* producer at Rs. 6 per KG; the *chaat* producer adds value to the potatoes and makes *chaat* say at the costs of Rs. 2 per KG; so, the actual cost of *chaat* for the *chaat* producer is Rs. 8 per KG; he sells the potato *chaat* to a *chaat* retailer say at Rs. 9 per KG; the *chaat* retailer sells it for say Rs. 10 per KG; he can\x92t sell it for more than that because the government wants people to eat cheap potato *chaat*; however, even then, he makes a clean profit of Rs. 1 per KG; the *chaat* retailer, however, obtains a compensation of Rs. 5 per KG from the government because the wholesale price of potato *chaat* in the US Commodity Exchange (yes US can even sell potato *chaat* at bourses) is Rs. 15 per KG, and the *chaat* seller is deemed to have made a notional loss of Rs. 5 per KG; i.e., his selling price of Rs. 10 minus his costs of *chaat* at Rs. 15/KG as per the US Commodity Exchange; is this not non-sense?

A government which increases the price of diesel to cover up such a notional loss and, instead of forcing the private oil producers to sell their crude at cost

plus margin basis to the Indian refineries, burdens the poor is nothing but a _____, and, if this government has to go to stop this bloody business of notional losses, then so be it.

Addendum

It seems the FM also realizes the above situation (Re: Indiataimes: http://timesofindia.indiatimes.com/business/india-business/Accounts-of-PSU-oil-companies-under-scrutiny/articleshow/16469603.cms?referral=PM), and it seems he is concerned about it. ©2012-2015 Ankur Mutreja

Chapter 3.2.5: Budget 2012 Review - An Opportunity Missed Indeed

(June 2012)

A lot of importance is attached to the Union Budget. In a way, it is good because, this way, lazy people like me update themselves with the reigning perspective of the government towards development; however, otherwise, it is supposed to be just an accounts statement. For development, of course, the revenues ought to be generated and accounted for in the budget estimates; however, as a common man, the first thing which interests me is my tax outgo, and, then, the benefits accruing to me, especially the ones originating from the elite \x97 the Vodafone Case and the linked issue of retrospective changes in the tax laws doesn\x92t interest me much. I have not read the Budget Speech yet, but, from whatever I have read in the news reports, it seems the tax burden on the middle class has been reduced. However, I am apprehensive about the prospective management of subsidies esp. the food subsidies.

Let\x92s us first check the present matrix of subsidies. In the non-plan expenditure for the next fiscal year (Re: http://indiabudget.nic.in/ub2012-13/eb/stat04.pdf), the maximum subsidy would be towards food subsidy amounting INR 75,000 Crores, the next would be the fertilizer subsidy amounting to INR 60,974 Crores, the petroleum subsidy would be INR 43,580 Crores, and the total subsidies would be INR 190,015 Crores (however, as per the media reports, the total oil subsidies are expected to be INR 137,000 Crores; so, if the FM keeps his promise of paying cash compensations, not oil bonds, to the OMCs, the oil subsidies would be much higher, and so would be the total subsidies).

Out of three the kinds of subsidies, the oil subsidies are despised the most by the business; the total oil subsidies of INR 137,000 Crores are indeed very high. The LPG subsidy mostly benefits the upper and the lower middle class, the kerosene subsidy benefits the poor, and the diesel subsidy benefits the entire public by checking inflation. As far as the gasoline subsidy is concerned, it has been removed. The next targets are the LPG subsidy and the diesel subsidies; the kerosene subsidy, I think, can\x92t be tempered with. The government seems to be working on creating an infrastructure for the cash transfers of the subsidies instead of the transfers in kind. Well, as far as the LPG subsidy is concerned, it

can be achieved but only if the government assures introduction of services to each and every desiring member of the public; that is, there shouldn\x92t be any queues for obtaining gas connections, and the connections should be installed free of cost; this is important to check black marketing, and, in its absence, the poor suffer the most, who mostly end up buying the LPG in black markets as they can\x92t afford and/or manage the legal LPG connections. But, I think, even then, it might not work because the domestic gas, which is subsidized, is diverted exorbitantly to commercial use, and that can\x92t be stopped by cash transfers. Also, the poor may not have enough money to buy LPG cylinders in advance of the cash transfers, thus there has to be some mechanism of advance cash transfers.

The diesel subsidy is very difficult to manage, especially the one used by those rich people who use diesel cars and the like; this subsidy is completely unexplainable and can be controlled only if diesel cars and the like are banned, and the conversion of petrol engines to diesel engines be made a punishable offense. If adulteration is ignored for the time being, I think, the rest of the diesel subsidy is desirable.

As far as the fertilizer subsidies are concerned, I have not applied my mind independently, but a research paper of IIM Ahmedabad (Re: http://www.iimahd.ernet.in/publications/data/2009-07-01Sharma.pdf) justifies fertilizer subsidies. I think there is not much scope for fiddling with the fertilizer subsidies

However, the opportunity missed is the food subsidy. The budget document has provided for INR 75,000 Crores of food subsidies, and the FM has promised to provide for the complete food subsidy. But, there was no need for it. Hunger is a physiological need, and the State has to satisfy this need of the people, else it has no right to exist. All other expenditures, including the defense expenditure, should be subordinated to the satisfaction of this need. This need can\x92t be satisfied by providing subsidies; a proactive approach is a must. It should be a separate non-plan expenditure head and should be budgeted for expenditure at least equal to that of the defense expenditure; rather, I would say health, education, etc., should also be introduced as non-plan expenditure heads gradually. An organizational set up as big as that of the Indian Railways or the Indian Army needs to be set up to satisfy the hunger need of the people. This setup should ensure unlimited supply of free, packed, cooked food to anybody who demands it as many times he wishes: Nobody needs to work for satisfying

hunger. The set up might marginally increase the food wastage (or may be not), but, at the same time, will ensure a **Hunger Free India**. **Provision for food subsidies is an opportunity missed indeed**.

Addendum

After watching *Satya Mev Jayate* dt. 24.06.2012, I got a different perspective on fertilizer subsidy. Now, I think the fertilizer subsidy should be removed; the problem is not that of poor economics but of plain simple lack of common sense. By subsidizing fertilizers, we are subsidizing ill-health. ©2012-2015 Ankur Mutreja

Chapter 3.2.6: FDI in Retail

(November 2011)

Below are the pros and cons of the FDI in retail:

Pros

- Discounts to the customers, especially in lesser known brands.
- Bypassing of the middlemen.
- Ease of shopping.
- Possibility of better recourse to law by customers especially if some kind of public duty is imposed on the big retailers.

Cons

- Breaking up of the traditional debit model of the *Kirana* shops (may affect the urban poor very badly as the retailers will not get the credit themselves, so they won't be able to give credit to the consumers).
- Lack of choices to the customers in commodities consumed in very small quantities (may affect the urban poor very badly as they generally buy in very small quantities).
- Threat of high inflation in case the big retailers and the small shops enter into local cartels (it is happening presently).
- Concentration of power will lead to imperfect markets.
- Threat of bias against the poor by the big retailers.
- Most importantly, very bad timing (when India should adopt inward looking approach, these people are opening up the Indian economy to the global swings! Inflation will increase because purchasing power in India is lower).

My conclusion: This government has gone nuts. I have a feeling that the government is making up a case for opening up FDI in aviation sector next \x97 if such is the case, it would tantamount to indirectly helping the Kingfisher Airlines.

Unbelievable! He is willing to lose his government on a stupid FDI issue. Is this government an agent of the Mittals, the Ambanis, the Mallyas and the Tatas? Well, if it is so, let this government go because I am sure they can\x92t win this adjournment motion, and, thereafter, they will not have any moral position to run

the government.

And, I don\x92t understand how the farmers will benefit. The retailers, at present, buy from the wholesalers, and the wholesalers, from the manufacturing companies. After the big retailers come in, the wholesalers (i.e. the middlemen) will get bypassed, and the retailers will buy directly from the manufacturers; from where comes the farmer?

As far as the perishable commodities, i.e. fruits and vegetables, are concerned, I say that allowing big retailers will lead to very high inflation. At present, the retailers sell poor quality commodities; the small hawkers, therefore, sell at a premium over the prices in the retail stores. And, over time, the two have entered into a cartel, and both of them have been increasing prices. The opening up of the retail sector is also one of the big reasons for the current food price inflation. The rest has been taken care of by the police and the local politicians. In my locality, a weekly vegetable market of more than 30 years standing (i.e. easement right had been gained) has been closed by the force of the police and the local politicians. This weekly market was making vegetables available at much lesser prices to that of the nearby big retailer. And, I think the big retailer had a role in shutting the market. This is an ugly country. No FDI in retail should be allowed. Uma Bharti will be right in burning the big retail marts (for the first time I am supporting a hardcore right winger).

The FDI in retail is the worst thing that can happen to a developing country like India. Most of the big retailers like Wal-Mart are based in the western countries. There is a large differential between the purchasing power in India and the western countries. For example, a banana, which cost Rs. 2 in India, may be costing Rs. 10 in the USA. The big retailers like Wal-Mart are the flag bearers of globalization, who, through their extremely efficient logistics, can even sell a perishable item like an Indian banana in the USA at a marginal top up to the prices in the Indian markets; however, this makes banana dearer in India courtesy the PPP principle with the only differential between the prices in India and the USA being that of logistics costs, which, in the case of big retailers like Wal-Mart, is obviously very low; so, in effect, the price of banana in the USA will drop to Rs. 6, whereas the price in India will rise to Rs. 5 without any rise in the wages. Yes, it\x92s true that the farmers will start getting slightly better prices in the short-term, but, in the long-term, they will also lose. And, those who think that opening up of the big retail outlets in the urban centers will not effect the rural areas are idiots; if a farmer can get Rs. 1.5/banana from a big

retailer, why should he sell it cheaper to a traditional middlemen; he will either produce less or sell poor quality bananas to the Indian middlemen, and, eventually, those poor quality bananas would be all that would be sold to the rural consumers and the urban poor, that too at higher prices than now.

India, it seems, is the most stupid country of this world: its leader are playing fraud upon people on daily basis; even the courts are exhorting people to agitate against rising inflation, but the ever tolerant Indian continue taking it lying down. I can\x92t understand why the country which has been butchered by the imperialists for years is still not waking up. The fact of the matter is that the present government is making complete fool of the people of India, and, still worst, it is calling it national interest! ©2011-2015 Ankur Mutreja

Chapter 3.2.7: Reasons for High Inflation, 2011

(February 2011)

Various reasons have been offered for high inflation in India. Let me take up each one of them and demolish them one-by-one.

Recession

It is being said that the inflation in India is the direct result of the Global Recession, which is false. The inflation in India is linked to high food prices. The food prices in the USA have been falling as a result of the Global Recession; the USA is the country which ought to have been affected the most because of the Global Recession. However, I do admit that the food inflation has been rising in the developing world, but that is because of something else, not the Global Recession.

Higher Disposable Incomes of the Farmers

It is being said that the farmers have been paid high prices for their produce; therefore, they are boosting demand leading to inflation. This is ridiculous! First and foremost, the farmers at large have not become rich: It is only the rich farmers who have become richer: the poor farmers have become even poorer. Moreover, the food demand is highly inelastic, which means that the changes in prices have a relatively small effect on the quantity of goods demanded, and *vice versa*. Also, it means that the absolute demand for the food products remains same even if there are higher disposable incomes of the farmers. The extra income would be utilized in other expenditures, not food. I would say that the said argument of the higher disposable incomes of the farmers is corrupt, and the politicians propounding this argument should be sent to jail.

Short Supply

This is something which could have been considered but only if it was true. Mr. Sharad Pawar has ruined this country. I have no doubt that he is majorly responsible for the present artificial shortage of the food products in India. The media and the activists have been crying foul for so many months about the putrefying food grains in the ill-managed warehouses. Even the Judiciary had to intervene, but this guy has cared less. He was audacious enough to say that the advice of the Judiciary to give such food grains free to the poor is impractical. Recently, when the onion prices rose and the government imported onions from

Pakistan, the imported onions were never put into the supply chain and were left to decay in the port. Who is to be blamed for this?

So, the reasons have to be found elsewhere. I have found the reason in the below quoted statement of the PM in his Q&A session with the editors:

> *If we were concerned with only curbing inflation I think we could have done it by pursuing tighter monetary policies, we could have brought about a situation where price rise could be moderated. But if in the process, growth process gets hurt.*

Let\x92s analyze the statement of the PM. He says he is concerned not only about inflation but also growth. In other words, he has chosen growth over inflation and has not tightened the monetary policy. So, the questions: Was the growth necessary? and, for whom? As a captain of the team, when I know that some of my team mates don\x92t have food to eat, yet others want to invest in stock markets, I will buy food with whatever money I have got and will not invest even a penny in stock markets because then my healthy team would grow its own crop. However, what the PM has done is just the opposite. He has given money to the industry to stimulate the so-called growth, which has naturally led to the Bull Run in the stock markets in India; in other words, not only the government money but also that of many poor individual investors has gone into the stock markets. When the food prices were rising by 20% YoY, the stock market rose even better by more than 100% in just two years. But, where did all the money go? Well, all the money has still not gone, but it is fast going out via the reverse FII route; a stock market scam is all that is required. And, where is the money going? No prizes for guessing that! It is going to those who control the flow of capital in this world; that is, to those who ought to have suffered the most because of the Global Recession but are still living in AC comfort. The food price inflation in the developing world is the biggest fraud that the developed world is playing upon the developing world. And, if it continues in a similar manner, it might well grow bigger than colonization, except that the imperialists this time will not wear red coats, but blue and grey coats; and there would be no Gandhi to cover the semi-naked women because all would be on mobile/camera even before the clothes would go off. ©2011-2015 Ankur Mutreja

Chapter 3.2.8: Budget 2010: The Choices before the Finance Minister

(February 2010)

The Indian society has started walking on a path where the economic culture and the social culture are becoming synonymous. The status of a person is known by what he earns, and it doesn\x92t matter whether the earning is legal or illegal, moral or immoral. The status of a politician/government servant is known by the kind of bribe he demands. The status of a businessman is known by the assets he possesses including the human talent. The status of a professional is known by the car he drives \x97 even those who have no money to buy food want to drive Nano. The most important is the last category, and it is increasing at an alarming rate, at a rate as high as that of inflation last year, i.e. 15%; and, given the spiraling prices of crude in the international market, this rate is going to increase even further: When there was not much increase in the fuel prices, the Delhi Government doubled the prices of bus tickets for the Delhi Transport Corporation (DTC) wanted to earn profits! Don\x92t know what they will do now after petrol prices have been de-regulated! The Metro followed suit, they wanted to earn lots of profit.

The verdict is clear: We will have a few ill-educated nouveau-rich ruling over lots and lots of well-educated poor, on the same lines as the ill-educated politicians of the day rule over the well-educated professionals, academicians, bureaucrats, etc. I will give an example of a newly recruited advocate to substantiate my point: In the beginning, an advocate is not paid more than Rs. 5000-6000 per month; every day routine travel to and fro the office costs a minimum of Rs. 30-50 per day if he doesn\x92t avail the luxury of traveling in a cycle rickshaw or an auto rickshaw or, for that matter, even a bicycle which is available these days at the Metro stations @Rs.10 for the first hour and Rs. 5/hr thereafter; thus the travel cost for a 20 working days/month comes to around Rs. 600-1000/month; the shabby room, he rents, costs anywhere between Rs. 2000-2500/month; the above adds up a minimum of Rs. 3000/month, which leaves the advocate with a paltry sum of Rs. 2000-3000/month for other expenditure, with which he can hardly afford food @ Rs. 60-100/day \x97 no movies, no outings, no shopping\x85no condoms, so no sex even. On the other hand, a BPO/LPO employee is far better off and enjoys a far better status: He can splurge in shopping malls, in cinema halls, in restaurants, in booze bars, and, of course, in

penthouses. Now don\x92t blame the senior advocates for this: Most of them themselves don\x92t earn much, and, thankfully so, because lawyers are not supposed to earn a lot. The choice is simple: Join the club and serve the Haves by working in LPOs; eat good food and aspire to buy a Nano \x97 food for sustenance and Nano for status.

What can the FM do in his budget? There are two alternatives for the FM:

1) Give more and more subsidies to the corporate so that they can cut the prices of Nano further down south, and those, who join LPOs can, thus, buy Nanos. Who needs advocates anyways? Police and politicians can take care of all law and justice.

OR IN ALTERNATIVE

2) Ban Nano. Lay down some bicycle lanes along with the flyovers, and give free/subsidized food to those who drive bicycles, and then you can well deregulate the oil prices.

The choice is simple: The FM can either make the Indian youth servant of the corrupt scum of the society or else give them the opportunity to make themselves and India a better society.

Post Budget Addendum

Mr. Pranab Mukherjea has commented that there is no more NEED to provide concessions now, so the customs duty on crude and petroleum products has been increased, and the excise duty on petrol and diesel has been increased too by Rs. 1/ltr. Let us analyze this NEED because different people ascribe different meanings to this word.

The first need of the government is to compensate the oil marketing companies (OMCs) for their losses; the second, to control inflation; and the third, to ensure fiscal management. Let us see which of the above needs of the government has been given paramount consideration in the recent hikes and the recent reductions of fuel prices in India.

On June 05, 2006, the petrol and diesel prices were increased by Rs. 4 and Rs. 2 each in line with the increasing international crude prices. The NEED was felt to compensate the OMCs. At that time, the international crude prices were around $70/barrel, and the petrol and diesel prices in Delhi were Rs. 47.51/ltr and Rs. 32.47/ltr respectively.

On November 30, 2006, the petrol and diesel prices were reduced by Rs. 2/ltr

and Rs. 1/ltr respectively. The NEED was felt to contain inflation. At that time, the international crude prices were around $60/barrel, and the petrol and diesel prices in Delhi were Rs. 44.85/ltr and Rs. 31.25/ltr respectively.

On February 15, 2007, the petrol and diesel prices were reduced by Rs. 2/ltr and Rs. 1/ltr respectively. The NEED was felt to contain inflation. At that time, the international crude prices were around $60/barrel, and the petrol and diesel prices in Delhi were Rs. 42.85/ltr and Rs. 30.25/ltr respectively.

On February 14, 2008, the petrol and diesel prices were increased by Rs. 2/ltr and Rs. 1/ltr respectively. The NEED was felt to compensate the OMCs. At that time, the international crude prices were around $100/barrel, and the petrol and diesel prices in Delhi were Rs. 45.52/ltr and Rs. 31.76/ltr respectively.

On June 4, 2008, the petrol and diesel prices were increased by Rs. 5/ltr and Rs. 2/ltr respectively. The very strong NEED was felt to compensate the OMCs; therefore, not only the prices were increased, a stimulus in the form of custom duty cut from 5% to 0% on crude oil and 10% to 5% on petroleum products was also announced. The excise duty on petrol and diesel was also reduced by Rs. 1/ltr. At that time, the international crude prices were around $135/barrel, and the petrol and diesel prices in Delhi were Rs. 50.52/ltr and Rs. 37.40/ltr respectively. The noteworthy point here is that the oil productions companies and the OMCs didn\x92t pass on the cut in excise duties and customs duty to the consumers.

On December 6, 2008, the petrol and diesel prices were reduced by Rs5/ltr and Rs. 2/ltr respectively. The NEED was felt to contain inflation and also to fulfill the promise of passing on the benefit of decrease in global crude prices to the consumers. The international crude prices at that time were around $45/barrel, and the petrol and diesel prices in Delhi were Rs. 45.62/ltr and Rs. 32.86/ltr respectively.

On January 28, 2009, the petrol and diesel prices were reduced by Rs5/ltr and Rs. 2/ltr respectively. The stronger NEED was felt to contain inflation and also to fulfill the promise of passing on the benefit of decrease in global crude prices to the consumers. The international crude prices at that time were around $35/barrel, and petrol and diesel prices in Delhi were Rs. 40.62/ltr and Rs. 30.86/ltr respectively.

On February 26, 2009, Mr. Pranab Mukherjee, in his budget, has felt no more the NEED to compensate the OMCs, which need was felt on June 4, 2008; therefore,

he has increased the customs duty on crude oil to 5% from 0%, and on petrol and diesel from 5% to 7.5%, and on other petroleum products from 5% to 10 %. He has also enhanced the excise duty on petrol and diesel by Rs. 1/ltr. This has been done because the government has felt the NEED for fiscal management.

From the above, one thing is clear: If the NEED which Mr. Mukherjee is talking about is that of fiscal management, it has no connection whatsoever with oil pricing. If he is saying that the last time around on June 4, 2008, when the prices were increased by Rs. 5/ltr and Rs. 2/ltr respectively instead of the naturally required increase of Rs. 10/ltr and Rs. 5/ltr respectively the differential having been partly contained by the fiscal stimulus, the NEED was felt to not to overburden the consumers by increased prices. So, was there a NEED to control inflation so much so that the government ended up giving benefit of up to Rs. 15/ltr and Rs. 7/ltr respectively in a single year to the consumers! Agreed, at that time the inflation has been rising enormously; however, in the previous year, it has risen even more enormously; so, why FM is not feeling the NEED to contain the inflation now? If the fiscal stimulus then was not a NEED to contain inflation, but to compensate the OMCs, then there is no need to hike the fuel prices even now. FM will have to choose one of the two options: The NEED to contain inflation or the NEED to compensate the OMCs. If he is choosing the first option, he has presented an extremely poor budget, and if he is choosing the second option, any increase in fuel prices now means he has played criminal fraud on the people. © 2010-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 3.3: Politics

Chapter 3.3.1: In Re: Unauthorised Colonies in Delhi

(December 2014)

In the past, I have written twice on unauthorized colonies: 1) \x93In Re: Unauthorized Colonies in Delhi\x94 (Legal Issues) (Re: Ch. 3.7.4) and 2) \x93Unauthorized Colonies are a Boon for the Citizens of Delhi\x94 (Re: Ch. 3.3.12). I am myself a resident of an unauthorized colony, so I do have a bias towards their regularization. However, ironically, every time I hear the news of regularization, I get goose bumps. There are so many unresolved issues with respect to unauthorized colonies that there are very great chances of the non-confirming individuals getting targeted; and since I am a non-conformist, I naturally get anxious. Let\x92s face the truth: Unauthorized colonies are political constructions, and those who don\x92t confirm to the political expectations do face serious threat of targeted action. Most of these apprehensions arise mainly because of non-transparency, which seems to have become a norm in reference to the regularization of unauthorized colonies.

When the Congress was in power, they regularized 312 colonies situated on private land in a single stroke on the basis of a single date satellite map without any corresponding physical inspection and without inviting objections from the public. Now, the present government has gone a step further, they are regularizing even the remaining 895 minus 312=583 colonies which are situated on public land, fully or partially \x97 I wonder how they intend to do it without recovering the cost of land @500/sqm approx as stipulated under the regulations. Nonetheless, the regularization of colonies situated on public land throws up an even bigger issue of transfer of title of the public land. There are so many questions that need to be answered:

1. Will the title be transferred to the occupants of a public land jointly through a society? If yes, what are the registration norms for the societies of residents? Is it enough to get the societies registered under the Societies Registration Act, under which all kinds of societies can be registered, or should there be some specific law like Apartment Ownership Act of Bombay or Housing Societies Act of Delhi? What would be the legal status of the resident societies so formed? Will they have executive powers or even quasi-judicial powers? What are the rights of the residents to get registered as members of these societies? Should all individual occupants of a residential unit be made members or should only the head of the family be made member? What are the rights of the servants and

tenants? Should servants be also made members of these societies? Are tenancy agreements entered between the unauthorized occupants of a public land and their tenants legal? If not, should tenants have same rights as that of the landlords with respect to membership of the societies? What if a residential unit is situated partly on a private land and partly on a public land? How to resolve disputes arising between the societies and the members? Should they be resolved under some special jurisdiction?

2. Will the title be transferred directly to the occupants with respect to the public land on which their residential units are situated? If yes, in whose name the title will be transferred? Will it be in the name of the head of the family or will it be transferred to each and every individual occupant forming part of the family? What about the servants, who though strictly speaking are not members of the family but, nevertheless, are occupants; what are their rights? Will they have perpetual right of residence in the residential units situated on a public land irrespective of the cession of employment? What about tenants? Are the tenancy agreements on residential units situated on a public land valid? If yes, to what extent? Are they occupants at par with the landlords and claimant to prospective titles over the public land?

3. If the title will not be transferred at all \x97 though the regulations say it will be transferred \x97 will any authority be constituted for management of the public lands in the unauthorized colonies? What will be the rights of the people occupying these lands? Will they be the lessees of the government? Will any rent be charged from them? Or will they be licensees? What will be their right to carry out further construction on the occupied public lands? Can they sell their floor rights? What happens when the building constructed on a public land reaches its end and has to be demolished? Will the right of occupancy cease to exist on the mandatory demolition of the building? Or will the government then construct model houses over these public lands, and the previous occupants will retain their occupancy rights over the lands through the houses so constructed?

I wonder how a sincere government can even think of regularizing unauthorized colonies situated on public land without answering the above questions. The Congress were better: At least they didn\x92t tread into the dark dungeons without light. But, the BJP are worse: Neither do they have any light nor do they have any fear of the dark because their conscience produces darkness. ©2014-2015 Ankur Mutreja

Chapter 3.3.2: Baba Rampal: Ugly but Inevitable

(November 2014)

Baba Rampal is a very complex issue; far more complex than people think it to be. A direct challenge to the Judiciary; a private army; a huge following; a business enterprise; a sustained secretive rebellion; the alleged Maoist links; but still a failure in the end. The Maoist links theory has been floated as an afterthought, that too through rogue intelligence officers; so, I don\x92t know how much to believe it. However, if the theory is true, then that *per se* is a reason enough for the police to have acted in the manner they did and is also a big failure of Maoism in the semi-urban India. But, I don\x92t think this theory has any basis. I think, it has just been floated to present the BJP\x92s state government in a better light, whom all security agencies especially the IB support wholeheartedly.

The origin of this conflict lies in a 2006 episode when the *Arya Samajis* from the surrounding 27 villages attacked the Satlok Ashram. At that time also, Baba\x92s supporters responded in a similar manner. They counter-attacked the attackers from a height with stones and more, leading to many injuries and also a causality. *Arya Samajis* have strong affiliations with the BJP; however, Baba also seems to be having the support of at least some quarters in the BJP, which is normal with political parties; the Congress Government also seems to have ignored his activities during their reign may be because he has been supporting some politicians from the Congress as well. Nobody, Baba or whoever, can construct such a large empire without the support of the politicians and the police. Had he substituted some legal advice for all political advice, this episode would not have taken such a violent turn. Until now, all cases against him, whether murder or contempt, were weak. Nothing would have been proved in the Court. But, when people like the Talwars are left in jail for no crime whatsoever, the people start getting scared of the Judiciary, more for their property than for their person. I believe had he greased right palms at right places, he would have gotten away with some small punishment in the contempt case, and the murder case was anyways a no-starter. It seems he got over-scared. Also, I think, he is not that well-rooted, and all his rebellion seems false: A true rebel would always keep an escape route ready *sans* property. I think his was a case of dilemma between ego and practicality, and he bent a bit too much in favor of ego. But, the final word has not yet been written: Let us see how he

conducts himself hereafter, and let us see how much of his ego was self-respect.

However, this episode is also a very scary one for all self-respecting people. These BJP hooligans are in a habit of mobbing and scaring people, and this happens not only to the famous and powerful people but also to commoners \x97 I have seen this happening to myself though to a much lesser degree, and I also did something similar, i.e. threw stones. However, off late, the police have lost its neutrality, and they openly support the BJP hooligans. So, a difficult choice has to be made; i.e., whether to counter-attack the police force as well while attacking the BJP hooligans. Given the present circumstances, the answer seems to be a yes, but it is also suicidal. It would be better to give oneself a chance to influence the police away from the BJP. But, of course, this comes at the loss of self-respect, and how long can one keep compromising one\x92 s self respect without making it a habit is contextual and a very difficult question to answer. Of course, neither the friendship nor the enmity of the police is good. But, unfortunately, the situation has arisen when a conflict with the BJP automatically turns itself into a conflict with the police, and the situation becomes volatile very fast. I hate to say this but, in the present circumstances, anybody who openly, or even not-so-openly, supports the BJP ought to be avoided to stay in peace away from the police because they seem to have actually formed a family, i.e. *Sangh Pariwar*, and all of them support one-another in things, small and big.

However, if things come to extreme desperation, and it becomes impossible to compromise anymore with one\x92s self-respect, committing suicide by attacking the police is the only option left in the present day India. © 2014-2015 Ankur Mutreja

Chapter 3.3.3: In Reference Elections 2014, the chances of an Alternative Front Government

(May 2014)

Indian politics is dominated by the careerists, the intrapreneurs and the entrepreneurs (not business entrepreneurs). Ironically, the lawyers are the most prominent amongst the careerists mainly because they are not allowed to practice other professions, and politics being public service, not profession, is the only choice left for the losers \x97 yes, politics is the last choice of the professionals. The most prominent entrepreneurial families in the politics include Nehru/Gandhis (Congress), Yadavs (RJD&SP), Badals (SAD), Pawars (NCP), Thackereys (Shivsena & MNS), Paswans (LJP), Abdullahs (NC), Muftis (PDP), Patnaiks (BJD), Karunanidhis (DMK), Gowdas (JD(S)), Owaisis (AIMIM), Raos (TRS), Chautalas (INLD), Bishnois (HJP), Singhs (RLD) and Reddys (YSRC, the newest entrants). However, there are other parties which, though not family driven, are nevertheless personality driven; the list includes Mamata Banerjee\x92s TMC, Jayalalitha\x92s AIADMK, Mayawati\x92s BSP, Vijaykant\x92s DMDK, Nitish Kumar\x92s JD (U), Shibu Soren\x92s JMM, Babu Lal Marandi\x92s JVM, Narendra Modi\x92s BJP and Arvind Kejriwal\x92s AAP (the newest entrant). Then, there are Marxist/Leftist parties, which are not personality driven but, ironically, are on the verge of extinction. The two big parties, the Congress and the BJP, allow for plenty of opportunities for intrapreneurship. In fact, many entrepreneurs and personalities have emerged out of the Congress: Pawars, Mamta Banerjee, Muftis, Reddys, etc. The BJP offers comparatively lesser opportunities for intrapreneurship because of its more cohesive structure managed by the RSS; nevertheless, Yedyurappa has emerged out of the BJP. Many parties have also emerged out of the less powerful regional parties, for example the TRS and the MNS. Most of the Socialist/Jantadal parties have emerged out of the 1977 Jaiprakash Narain\x92s political phenomenon. The AAP, the newest experiment in politics, is an amalgamation of activists, intellectuals, professionals, bureaucrats, artists, corporate executives, journalists, and, of course, lawyers; and the common binding factor is cynicism. This group is the most non-cohesive and thus provides the best opportunity for intrapreneurship. Unless there is a miracle on the EVMs, its leader Kejriwal is bound to loose prominence very soon, and then the group will either break up or consolidate itself on the lines of some leftist

ideology.

So, one can easily delineate the Indian political scene into six forces: Congress, BJP, Socialists, Marxists/Leftists, Regionalists, and Cynics. However much the Congress and the BJP may project themselves as the only contenders, the fact remains that any of these six forces individually or in combination have the power to form the government. The socialists and the Marxists/leftists have already come together to form an alternative third front. However, a federal front of the regionalists led by Mamata or Jaya or Maya is also a very strong contender to power. Even AAP can\x92t be written off: There is a certain cynicism in the minds of the urban voters, and it is quite possible that the rural voters of the better developed states of Haryana, Punjab, Maharashtra and Gujarat also share the cynicism of the urban voters.

However, the main point is that the coalition politics is all about talks and negotiations, and the mediators play a very big role in these negotiations, very much like the investment bankers do with respect to the corporate. The careerists, the intrapreneurs and the entrepreneurs are always willing to talk and shed their ideological differences for the mutual benefits. I don\x92t rule out the possibility of the Congress joining hands with the BJP or the SP joining hands with the BSP. The two big parties together will have to get numbers in excess of 300 to preclude the possibility of an alternative front government at the centre \x97 which looks like a bleak possibility to me \x97 else, either of them will have to bend or break to allow the formation of the new government at the centre by an alternative front. ©2014-2015 Ankur Mutreja

Chapter 3.3.4: AAP versus Delhi Police

(January 2014)

Let\x92s first discuss the legal issues. The current turmoil has arisen because of the inaction of the Delhi Police on the night of 16th January, 2014, when Somnath Bharti, the Law Minister, urged/agitated with the Delhi Police personnel to carry out a raid in a building allegedly occupied by prostitutes and drug peddlers. The Delhi Police justified inaction for the want of a search warrant. Well, as appearing in various media reports, the offences were made out under the Narcotic Drugs and Psychotropic Substances Act, the Immoral Trafficking (Prevention) Act, the IPC and the MCOCA as extended to the NCT of Delhi. The police could have searched the premises not only u/s 42 of the Narcotic Drugs Act and u/s 15 of the Immoral Traffic Act but also u/s 47 CrPC; so, the excuse of the Delhi Police is completely bogus; this is an open and shut case. By now, the SHO concerned should have not only been suspended but also dismissed. However, I am damn impressed with the daring attitude of the AAP: They have directly challenged the Delhi Police, which is one of the most corrupt and arrogant police force. If the AAP really have it in their agenda to reform the Delhi Police, well, they need to get ready for a seriously risky, long and tiring war. But, of course, something needs to be done.

However, I see a bigger conspiracy here. The international mafias have vested interests in drug trade, and prostitution comes in as a natural accessory. These international mafias are not restricted to any single country, but operate across the borders. In some Asian countries like Thailand, these mafias are penetrating or have already penetrated deep enough and are thus posing serious threat to the social fabric of the countries. India is at threat too: Goa has already become the sex and drugs capital of India, and the mafias are fast moving into the mega cities like Delhi, and then they will move into the rural areas as they did in Thailand. I don\x92t know how deep the threat has grown in India, but, certainly, the AAP has taken a security risk, which is commendable.

Now let us see what could be the reasons for inaction of the Delhi Police. It is beyond doubt that these kinds of organized crimes happen with the connivance of the police \x97 if they want, they can invoke MCOCA on cricketers, then why not on organized drug trafficking and prostitution! Giving the benefit of doubt to the Delhi Police, they might not have been prepared; and, as they operate, the local police don\x92t get involved in macro issues like organized crimes. But,

why is the Delhi Police not taking any organized action against the organized crimes in Delhi? What\x92s stopping them? Why can\x92t they hold press conferences to satisfy people, clearly laying out their future action plans and elaborating the actions already undertaken? There are too many unanswered questions, which makes me believe that there are some vested interests in the Delhi Police who want to let this keep going.

I think these vested interests are the monetary benefits that the top cops might be getting from the corporate, who generally try to maintain a fine balance between the state forces and the private forces like the mafia, so that they can shift from one to another as per the need. Most of the early corporate America was built on the shoulders of the private Mafia, and now, of course, the corporate in America are worse than the mafia. However, that\x92s only a speculation; the reasons could be different. But, I wonder why the corporate media is not supporting the AAP now when they supported the completely rubbish Anna Agitation earlier. Whatever the reasons, there just can\x92t be any reason for allowing the Drug and Prostitution Mafia to take control over the urban landscape of India: **AAP is doing it right.** ©2014-2015 Ankur Mutreja

Chapter 3.3.5: In Reference Medical Student\x92s Rape; the Indian Youth Are Disoriented

(December 2012)

I feel scared living in this country because anything is amenable to manipulation here. I have worked in the corporate sector as an investment banker (though it\x92s history now), in the legal sector as an advocate, and in the society at large as a writer \x97 all in the urban areas. The urban society can easily be classified into the power-elites, the elites, the skilled workers, and the unskilled/less-skilled workers/urban poor \x97 Ram Singh, who is the main accused in the Delhi medical student rape case, can be said to be belonging to the unskilled/less-skilled workers/urban poor category. In Delhi and Bombay, the politicians fully and completely control the urban poor \x97 they can\x92t even sneeze without the permission of the local politicians/goons. The elites, i.e. the *nouveau riche* entrepreneurs, the successful independent professionals, the high ranking corporate/government sector employees; i.e. the managers, etc., are under a strong influence of the pseudo-liberal capitalist ideology, which is an amalgamation of the conservative and the Liberterarian ideologies. The skilled workers, i.e. the clerical staff in the government/corporate sector, the dependent/struggling professionals, the small entrepreneurs, etc., are a disoriented class strongly under the influence of the conservative ideologies (the saffron ideology, the religious fundamentalism, the regionalism, etc.). The power-elite class is obviously enjoying the *status quo*.

The *status quo* is beneficial to the power-elite in many ways, but, in the present context, the discussion on the status of women is relevant. Except for the power-elite, I have experienced all the above-mentioned classes closely; however, I exist in such an inexplicable situation, where I have clearly understood the agenda of the power-elite. The women across the board enjoy an inferior status. Amongst the power-elite, but for few exceptions, she has been restricted, more or less, to the status of a house wife/queen. Amongst the elite, she enjoys a more powerful status but only if she has been lucky enough to rise high just on the strength of her **talent & talent alone**; however, the majority in this category end up working both as full-time housewives/GFs of the elite male counterpart and as independent part-time skilled workers; so, they enjoy the overall status of an elite but the independent status of only a skilled worker; a few also enjoy the independent status of the elite sex-workers serving the power-elite. However, the

status of the woman amongst the workers and the urban poor is most deplorable: The woman in these categories is considered as a natural subordinate of the male counterpart, deserving of the physical violence at the hands of the male counterpart as a norm; however, ironically, they are also expected to be the bread-earners; many women in these categories also double up as sex workers serving the elites, the power-elites, and even the workers, mostly out of desperation, but, at times, also voluntarily.

The above statuses of the woman are not natural but the result of a well-orchestrated strategy of the power-elite, who are mainly men. There are various modes through which these statuses are reinforced, both directly as well as subtly, as in the \x93Pink *Chaddi*\x94 campaign, the \x93Legalization\x94 of Prostitution campaign, the \x93Cleavage Power\x94 campaign, the alimonies, the beauty pageants, etc., which are nothing but reinforcements of the statuses of the woman as sexual objects, which women at large fail to understand. The death penalty for the rapists is yet another such mode, which is obviously being promoted at the behest of the power-elite. The sole purpose of such a move is to enlarge the ridge between the man and the woman. The power-elite want to completely bar the movement of women into power positions, which they can do best by limiting their growth to those positions where their sexual identities become the most important qualification, which is achieved best by protecting even the most trivial attacks on their sexual identities accompanied by very harsh punishments in the cases of transgressions; however, while allowing the power-elite and the elite to rape them with impunity by relegating their positions to that of the sex-workers of the power-elite and the elite.

This time the power-elite have made fools of the aspiring elite, i.e. the educated youth, who are agitating randomly at various places in Delhi. I visited India Gate today; the groups agitating there were completely disoriented: one group was shouting for chemical castration of rapists \x97 eunuchs have now started preferring chemical castration to physical castration to enjoy their preferred status of no-male eunuchs and are eagerly waiting for the launch of pills which can provide them permanent chemical castration; those who want to provide for chemical castration of rapists fail to understand that their choice of punishment also relegates the status of eunuchs to that of rapists and *vice versa* \x97 another was shouting for death penalty for rapists, yet another for justice in general; to my surprise, there was none seeking gender sensitization, the lack of which is the root cause of crime against women. I had much rather seen posters like,

\x93The way to our hearts also lie through our stomachs, so, guys, learn cooking!\x94 Now the government also seems to be budging: They are thinking of providing death penalty in the \x93rarest of rare\x94 rape cases. The \x93rarest of rare\x94 is a loose concept, which has not yet been defined well enough to enter the law codes; how can any government even think of any such adventure!

The present rape case of the Delhi medical student, which has led to such a wide scale agitation, is not just a rape case; it is a case of aggravated physical violence against a woman; so, the commonsense approach to this problem is to differentiate physical violence against woman from that against man, and the exercise should then lead to a deliberation towards providing a harsh punishment for physical violence against woman. ©2012-2015 Ankur Mutreja

Chapter 3.3.6: Coalgate(?)

(September 2012)

For the last one week or so, the only thing I have been hearing on the TV news channels is \x93Coalgate\x94, therefore I have used the same heading but also placed a question mark. The question mark because I am less than unsure \x96 more or less convinced \x96 that there is no scam as such in the coal block allocation; however, my opinion is based on giving benefit of doubt to the UPA Government, so there is a question mark.

The main allegation against the government is that the allocation of coal blocks to the private parties has lead to a loss of Rs. 1.84 Lakhs Crores to the exchequer. Well, this statement is factually wrong: the CAG has not quantified any losses to the exchequer; it has only mentioned Rs. 1.84 Lakhs Crores as the profit which the 57 opencast mines and the opencast portions of the mixed mines would have made if the coal was sold in the open market at Coal India\x92s prices. The contention of the CAG has been answered by the government at page no. 39 of the CAG report. The main claim of the government is that the coal allocation was for captive mining, not commercial exploitation, and, therefore, the inference of the CAG that the government wanted to tap a part of the financial gains to the private players by introducing competitive bidding, is wrong. The CAG has countered it by referring to the statement dt. 25.07.05 of the Coal Secretary in a PMO meeting to the effect that the competitive bidding would tap a part of the profit accruing to the private players in the then existing process of coal allocation; based on the above counter-argument plus a further argument deliberated in the said PMO meeting that, unlike the government, the private companies won\x92t have social overheads and excessive man power costs, the CAG has reached a conclusion that had competitive bidding been introduced, a part of Rs. 1.84 Lakhs Crores notional profit to the private players would have accrued to the government. But, this is not the issue being discussed in the news channel debates. In fact, this is too technical an issue to be discussed by the emotive news debaters. And, this is also not the issue that needs to be discussed. There can\x92t be any dispute that private players if allowed to sell coal in the open market would make windfall profit in the impugned coal allocation process, but this is only a hypothetical situation; therefore, lots of factors need to be taken into account in order to calculate losses, if any, to the exchequer \x97 the CAG\x92s exercise of calculating a notional profit figure for

the private players, and then speculating notional losses to the exchequer on the basis of the same, is a speculative report no research scientist worth his salt would ever publish, and any journal publishing such speculative report would publish it as its last report, but, it seems, anything can be published in the Indian Parliament.

However, there are also some very important issues that need discussion:

1. Why the NDA/BJP/Left rejected the proposal for competitive bidding? Is competitive bidding really that good?

2. Will competitive bidding eventually lead to de-nationalization of coal mining sector? If yes, what are its repercussions?

3. Has UPA-II committed a blunder by introducing competitive bidding? Are there ways other than competitive bidding for bringing in transparency in coal allocation/natural resources allocation?

It can not be disputed that a transparent process was not followed in the coal allocation process, which needs to change. Another issue emerging from the CAG report is the inability of the private players to produce coal, whereas CIL, more or less, achieved its targets \x97 in fact, CIL wanted its reserves not being de-reserved for the private sector, and the CAG has also raised question marks with respect to the de-reservation. The CAG report has certainly raised a very important issue of bringing in transparency, but it might have just faltered in recommending transfer of a part of the profit of the captive miners to public.

From whatever I have read in the CAG report, it seems that the irregularities in coal allocation occurred mainly because of the arbitrariness writ large in the coal allocation to the private players through the screening committee route, thus detailed regulations for the allocation of coal was all that was required \x97 I wonder why team Anna has not gone to the courts to get the allocation cancelled on the ground of arbitrariness in the allocation process. Competitive bidding is not an answer to bad/arbitrary governance.

Addendum

It is just not understandable: If the private players have not been able to produce anything till date and have already breached their time commitments, why can\x92t their licenses be cancelled immediately? It is not the concern of the public why a private player couldn\x92t honor its time commitments: the private players ought to have contemplated the bureaucratic hurdles in getting

approvals. And, if the government insists on retaining the existing coal allocation contracts, eyebrows will surely be raised, and the government will have to answer a lot. As far as the credit lending from the banks to the licensees is concerned, the banks can go to hell if they don\x92t know how to manage their credit risks. The whole Indian system needs to change.

Mr. Sibal, in an interview to Barkha Dutt, stated there is nothing wrong in the inflated valuations of the companies having been allocated coal blocks, as this is how the business works. He is wrong! This is not how the business works; this is how the markets work, where intelligent investors/speculators make huge profits from the imperfections in the markets, which, in India, are almost always imperfect valuing companies either too high or too low. The problem arises when the other systems become dependent upon the markets; i.e., when banks start lending to the business purely on the basis of market values, without any independent assessment. It seems the Indian banks have lent huge sums of money to the coal companies on the basis of their inflated valuations post the grant of licenses, and, it seems, some transfers have also been made. As far as the transfers are concerned, there is no question of taking any lenient view: the transferees need to absorb losses. And, as far as the banks are concerned, then also, I think, there is no occasion to take a lenient view: If some banks would suffer huge losses in the case of coal-allocation cancellation, which might put the financial system at risk, then also nothing changes. It only hints a scam in the financial sector; if it is so, so be it; let people know the truth. ©2012-2015 Ankur Mutreja

Chapter 3.3.7: People Need to Support the Striking Air India Pilots

(June 2012)

There is hardly any labor movement left in India. Air India pilots have now been striking for the last 53 days; some of them are also on hunger strike for the last 7 days; now, even the parents have joined in, but that\x92s not enough; public at large need to support them. Their demands seem reasonable: They are agitating for an equitable treatment in career progression, which is a legitimate industrial dispute; 100 pilots have been terminated, and they are demanding their reinstatement, which again is a legitimate industrial dispute; in addition to this, the pilots have not been paid for the last six months, thus, of course, the \x93No Work No Pay\x94 principle applies. The issue of legality of the strike is pending in the courts, so I won\x92t comment. However, the most pertinent issue is the accumulated losses of Rs. 90,000 Crores! The strike period itself has led to the losses of Rs. 500 Crores. If I were MD of such a company, I would have lost night sleep and tried everything possible to end the strike at the earliest; but, the CMD of Air India is least concerned, and that is because the government is ever ready to infuse tax payers\x92 money into Air India. The issues raised in the strike are the direct and indirect ramifications of the merger between Air India and Indian Airlines. Nobody is asking why the two airlines should have ever been merged, which, by far, is the most stupid business decision; and, who should account for the losses of Rs. 90,000 Crores? This is nothing less than a scam! But, unfortunately, nobody is bothered because the Congress and the BJP are on the same side on this issue. In Indian Media, the real issues never get discussed, and the fake issues like P. A. Sangma\x92s challenge to Pranab Mukherjee\x92s candidature are debated day-in-and-day-out. If the people concerned were even a little concerned about the real issues, the Civil Aviation Ministry would have closed down long ago, and the erstwhile Minister of Civil Aviation would have left active politics for good. ©2012-2015 Ankur Mutreja

Chapter 3.3.8: Aarushi Talwar's Parents: Choices before Them

(June 2012)

Assumption: Aarushi\x92s parents are not guilty, and the CBI\x92s suspicion in the closure report is unwarranted.

I am making the above assumption because balance of convenience lies in favor of this assumption; that is, a wrong report of the CBI does more harm to Aarushi\x92s parents than a correct report does good to the society.

However, having made the above assumption, I am scared about the security needs of the people in this country. The only reason for the formation of government over anarchy is to secure the lower level security needs of the people, so that they may focus more on their higher level needs, especially when they are well-educated and have created enough resources in terms of money and knowledge. The CBI\x92s reason for closing down investigation is their not being able to attribute any motive to the Talwars. Of course, the CBI is correct: sans motive, circumstantial evidence do not have much value as motive is itself an important circumstance. But, the murderer, whoever he is, definitely had some motive to kill Aarushi; what could have been the motive?

Was the motive to teach lesson to the Talwars? That is, to make them recognize that they were incapable of protecting their minor child? Not only that but also to make them realize that they are also completely incapable of protecting their reputation? Was it because the Talwars at some point of time resisted the attacks on the person of Aarushi in terms of subjecting her to ridicule, exploitation and contempt? Answer to my last question only the Talwars would know, and I respect their silence.

However, Aarushi\x92s case, more than highlighting the failure of investigating machinery in India, highlights the insecurity under which the educated class of India is living. If it were anarchy, the educated class would have faced more challenges in terms of satisfying even their very basic needs, thus it would have never felt secured without gaining control over a variety of resources, not just knowledge and money, to gain power enough to protect the person, property and reputation of themselves and their dependents. The State has a responsibility to ensure that those who have been allocated duties under law do perform their duties because that\x92s its promise to the educated class, who chose the State

over anarchy and utilized their skills and knowledge for higher pursuits. However, as the things are emerging from Aarushi\x92s case, it seems the State not only failed in performance of its promise but also helped those who killed Aarushi, both before and after the murder of Aarushi. This makes me believe that it is actually the State that killed Aarushi, either directly or, at least, in partnership with those non-state actors who killed Aarushi. This is a really serious issue because it seems, in India, the satisfaction of security needs of the people is more difficult than it is in anarchy, and the people don\x92t even know about it.

But, what are the choices before those who realize the truth all of a sudden, but, in the process, end up losing their loved ones and/or their self-esteem? Or, in other words, what are the choices before the parents of Aarushi? Before the public disclosure of CBI\x92s closure report, Aarushi\x92s parents still seemed hopeful and desired to bring in changes in the system. But, what now when their own credibility is at stake? Will the system allow them the liberty to change it? I don\x92t think so. Well, I think the choices before Aarushi\x92s parent are two: the first choice is to maintain trust in the system and fight out the attack on their own reputation and that on the person and reputation of Aarushi by knocking the doors of law and society; however, this time after breaking their silence; the second choice is to continue maintaining their silence, stop giving these media interviews if there are no further attacks on their person, and start again and wait for the right opportunity. The selection of the first choice depends upon their own objective assessment of their legal position, esp. after breaking their silence, and upon their faith in the Judiciary and in the instruments of the society esp. the Media. Unfortunately, changing the system is just not a choice before them; they will have to live with it.

Addendum

The Utsav Sharma\x92s attack on Rajesh Talwar needs to be seen in the following context:
\x96 Why Utsav Sharma was not under surveillance after the attack on Rathore?

\x96 Now, Utsav Sharma\x92s father coolly says that he will have to keep him in confinement.

What was he doing till now? Wasn\x92t Utsav supposed to be in his custody? If not, why not? Who was looking after him?

\x96 How come he has been able to inflict such grievous injuries this time when

he couldn\x92t do so the last time with Rathore? Where did he source his weapon from?

\x96 Why the police is saying that Utsav Sharma seems to be normal?

\x96 Has Utsav Sharma read any portion of the closure report to form any opinion about Talwars? Or, in other words, what was the motivation for attack?

\x96 Is Utsav Sharma\x92s attack part of a larger conspiracy? Are there some people wanting to put Rathore and Talwar on the same scale while using Utsav Sharma as a tool? Given all conspiracies are hatched in Gujarat these days, does Utsav Sharma\x92s undergoing treatment in Ahmedabad has something to do with it?

This attack is abhorrent; somebody really needs to get to the root of it.

2nd Addendum

I have reached a conclusion, and I am sure the conclusion reached by me as an individual, as part of the general public, can not influence the courts conducting the trials, so there is no contempt of court by me; nevertheless, my apologies to the courts; I can\x92t wait for years to make my conclusions. The conclusion reached by me is that the above assumption of mine is correct. The reason for the same are as under:

\x96 Leaks to the media by the investigators. They ordinarily do it only when it helps in investigation. The disclosure of the investigators in this case, however, was not to help the investigation. Especially, the disclosures by the UP police point to only one thing: the motive was to malign Talwars by giving stories to the Media, which the Media played and overplayed irresponsibly, or, should I say, with utmost responsibility to their patrons who wanted it done.

\x96 Utsav Sharma\x92s attack on Rajesh Talwar. It is the most unexplained element, and it points to a conspiracy to malign Talwars.

\x96 The attack of the conservatives on the Talwars. This seems to me to be an ideological attack of the conservatives on the liberals. The past shows that the conservatives make personal attacks avoiding logical debates in order to hide the truth; the attacks are often made on the private sexual lives of people. Such attacks have been made in the present case as well.

\x96 Convincing prima-facie rebuttal of all the circumstantial evidence by the Talwars and their lawyers in the media debates, especially the counter-allegations made against the CBI including the unexplained u-turn in the

investigation.
-The lack of motive for the Talwars to kill their daughter; in absence of which, the circumstantial evidence carry not much value. And also, the investigators have not been able to account for the swapping of the vaginal swabs.

I think this trial is better conducted in media because the people have been condemned in media. For me, the trial is over, and the Talwars have come out clear of the accusations made against them. Now, the investigators have to use all technology available to account for the murders.

I have a conspiracy theory. All this started at a time when lots of \x93Honour Killings\x94 were taking place in the conservative sections of society, and the conservatives were taking the brunt. Thus, they planned it all to show that even the liberals do the same things when faced with family honor, and, in the process, ended up taking innocent lives. The Talwars really need to speak up if there is something of this sort. These conservative animals can\x92t be allowed to take people\x92s lives like this. They need to be sent behind cages.

3rd Addendum

I hear Mr. K.T. S. Tulsi, a senior advocate, saying that under Sec. 106 of the Indian Evidence Act, the onus lies on the Talwars to prove the facts especially within their knowledge. Also, the media is reporting that the onus has now been shifted on the Talwars to prove their innocence. Not having read the order/judgment of the CBI court, I don\x92t know what exactly the court has asked the Talwars to explain. Nonetheless, going by the CBI closure report, I don\x92t think there is much explanation required from the Talwars: Most of the things have already been explained in the report (copies of the report are available on various websites, I also recommend Tehalka\x92s article on this case). Also, there is strong circumstantial evidence of the presence of intruders. The CBI\x92s conclusion on this aspect is completely wrong, and, if so considered, the Talwars will be left with nothing to explain. I don\x92t know whether the CBI court has considered the protest petition filed by the Talwars. If not, this would be a gross error of judgment, which, but for the legal immunity provided to the judicial officers, would have made me think otherwise.

4th Addendum

Now, I have read the order of the CBI Court. The CBI court reached the opinion that there were four options before the court:

1. To take cognizance against the prima facie accused as emerging from case

diary and investigation (Sec 190(1)(b) CrPC).

2. To order further investigation (Sec 173(8) and 156(3) CrPC).

3. To consider protest petition as a complaint (Sec 200 CrPC).

4. To accept the closure report (Sec 190(1)(b) CrPC).

The Court reached the opinion on the basis of a referred case law **2001 AIR 2721**. In the said judgment of the Supreme Court, the reference has been made to another Supreme Court Judgment, i.e. **1985(2) SCC 537,** wherein the under-quoted has been mentioned:

> *In Bhagwant Singh vs. Commissioner of Police and anr., 1985(2) SCC 537$1 a three-Judge Bench of this Court has said, though in a slightly different context, that three options are open to the court on receipt of a report under Section 173(2) of the Code, when such report states that no offence has been committed by the persons accused in the complaint. They are:*
>
> *(1) The court may accept and drop the proceedings; or*
>
> *(2) The court may disagree with the report and take cognizance of the offence and issue process if it takes the view that there is sufficient ground for proceeding further; or*
>
> *(3) The court may direct further investigation to be made by the police.*

The Court has taken cognizance against Rajesh Talwar on the basis of the closure report, which is the first option. Other than that, the Court has also taken cognizance against Nupur Talwar; this seems to have been done under Sec 190(1)(c) CrPC as she was not mentioned as a suspect in the closure report; though the Court, in its order, has stated that the cognizance has been taken under Sec 190(1)(b) CrPC, but then it would be an erroneous interpretation of the above quoted SC judgment. The power of the Court to accept the closure report is deemed to be available under Sec 190(1)(b) CrPC as the magistrates don\x92t have any inherent powers, which means **the Court could have also considered the protest petition under Sec 190(1)(c) CrPC** to not to take cognizance against the Talwars. Let us see whether the Court has done that.

The contents of the protest petition have been described in the order, so I will assume that the protest petition has been taken on record; however, while passing the order, the reasoning has been limited to the discussion of the circumstantial evidence available against the Talwars, not the protest petition

filed by them. The Court, in its order, was not only taking cognizance against the Talwars but also dealing with the question whether, on the basis of the information available before it (including the protest petition), the Talwars had discharged their onus (if any) under Sec 106, the Indian Evidence Act, and whether the CBI was required to carry out any further investigation. From the reading of the order, it doesn\x92t look like that the Court has considered all the information before it; i.e., the protest petition has not been considered. It is so because the reasoning forwarded by the Court has been comprehensively rebutted in the protest petition. The Court has laid lots of stress on the witness of Shauhrat with respect to the **attempt** to the destruction of evidence, not the destruction of evidence, by the Talwars. **A simple reading of the order shows that Shauhrat was earlier paid Rs. 25,000 for polishing, not painting, the \x93wooden partition\x94 in the form of a brick wall.** The Court has taken cognizance for the offense of destruction of evidence, not for attempt to destruction of evidence, thus the evidence of Shauhrat is irrelevant; the only relevant evidence is the sound test done by the earlier CBI team, which has been mentioned in the protest petition, but it has not been considered by the Court. Moreover, the onus to disprove the destruction of evidence (if any) can\x92t be placed on the Talwars in view of the serious doubts raised in the protest petition with respect to the non-involvement of intruder/s, which aspect has not been considered by the Court. Another strong circumstance has been highlighted by the court with respect to the inability of the Talwars to account for the keys of Aarushi\x92s room. This is only a circumstance: in a secure environment of a home, one can allow oneself to be careless; one doesn\x92t have to act with military finicky. The testimony of Talwars, cross-checked in the scientific tests at four occasions, is enough to account for the unfavorable circumstance. The Talwars\x92 testimony has been mentioned in the protest petition, and, I think, the report of the scientific tests was also made available to the court, which the court, it seems, has not considered. In the protest petition, the Talwars have also very strongly rebutted the *alibi* of the servants, which again the Court has not considered. Another circumstance going against the Talwars is the locking of the terrace door for the first time on the night of the murder combined with the murderer, instead of escaping through the adjacent linked terraces, coming back downstairs after leaving the dead body on the terrace, thus pointing to the involvement of the insiders. This circumstance only points towards the presence of person/s acquainted with the place, not towards the involvement of the house-dwellers. Other points, raised by the Judge, have also been rebutted in the protest

petition. Moreover, many of the points raised by the Judge are based on the consideration of the CBI closure report. In the protest petition, there is substantial information which raises strong doubts about the authenticity of the report filed by the CBI, which aspect, it seems, has not been considered by the court.

In the above circumstances, I think, the Court has failed to consider the protest petition filed by the Talwars, and this is a gross error. The Talwars should immediately rush to the High Court and file a petition under Section 397 and 482 CrPC seeking relief for modification of the CBI court\x92s order by quashing the cognizance taken against them and for further investigation by the CBI. They don\x92t deserve to go through the trial.

5th Addendum

The order of the SC passed in the review petition filed by Nupur Talwar reasons that the evidence of the defense can\x92t be considered at the stage of issuance of process as the accused has no role in the proceedings prior to the issuance of process. Well, **the reasoning forwarded by the SC is an error apparent on the face of the record**. Rajesh Talwar and Nupur Talwar were not appearing as accused before the Trial Court, but as protestors: The duo had not been named as accused in the closure report filed by the CBI; in fact, Nupur Talwar was not even named as a suspect. Now the question: whether the protest petition can be considered for arriving at a decision with respect to the issuance of process. Of course, the answer is yes, else there is no use of the protest petition. In the present case, there was no case of the prosecution against the Talwars. The case has been made out *suo moto* by the Trial Court on the basis of the relevant material placed before it. The protest petition ordinarily would be considered as a private complaint, and the cognizance, if any, against the accused would be taken under Sec 190(1)(a) CrPC. But, here in the present case, the cognizance has been taken against Nupur Talwar, who was not even a suspect in the closure report, which can be done only under Sec190(1)(c) CrPC. The CBI had raised arguments before the Trial Court that even though they have filed a closure report, the cognizance can, nevertheless, be taken u/s 190(1)(c) CrPC. The Trial Court however took cognizance both against Nupur Talwar and Rajesh Talwar u/s 190(1)(b) CrPC relying upon **1985(2) SCC 537** (quoted above). The reliance is completely erroneous with respect to Nupur Talwar because she was not a suspect in the closure report filed by the CBI, so the cognizance against Nupur Talwar is deemed to have been taken u/s 190(1)(c) CrPC (else the Judge faces 7

year imprisonment for passing a grossly erroneous order at law). Now, if the cognizance has been taken u/s 190(1)(c) CrPC, why shouldn\x92t the material produced by Talwars in their protest petition be also considered u/s 190(1)(c) CrPC? Why should any preferable treatment be given to the material produced by the CBI?

After reading Justice Khehar\x92s order, I am made to believe that the case has not been handled well enough by the lawyers of the Talwars: First, they didn\x92t sought a prayer for further investigation; secondly, they didn\x92t make out a strong technical ground for review; thirdly, they didn\x92t make out a strong ground in the SLP even. The cognizance against Nupur Talwar is completely erroneous in law; they ought to have pointed it out.

Curative petition is an exceptional remedy granted under only two circumstances: denial of natural justice for not being heard and denial of natural justice because of bias. The bias ground is completely ruled out here. Denial of natural justice for not being heard certainly happened before the trial court, but, before the HC and SC, well, I am not sure. However, I feel the interest of justice demands that denial of NJ even because of the error of the counsels should be a good ground in a curative petition. The remedy has been created as a last resort for getting justice, and the interest of justice demands that at least the cognizance against Nupur Talwar be quashed. And, of course, as already stated, there is also an error apparent in the SC order dt. 07.06.2012 passed in the review petition.

So, I would recommend filing of a curative petition irrespective of the negative opinions expressed by the SC in its order dt. 07.06.2012 because the said opinions are based on an error apparent. Also, now Dr Rajesh Talwar should file a revision petition against the order dt. 09.06.2012 seeking further investigation with an application for condonation of delay.

You are not defeated till the time you accept defeat. ©2011-2015 Ankur Mutreja

Chapter 3.3.9: Judicial Accountability

(December 2011)

I hear that the Judicial Accountability Bill will be passed in the current session. This will be of any use only if it ensures transparency in judicial proceedings. Ideally, all proceedings of the courts should be broadcasted live to the public; however, even if such is not possible, at least the proceedings need to be recorded, and the recordings need to be made available to the litigants on filing appropriate applications. Neither lawyers nor judges are worthy of any fiduciary trust: both are human beings susceptible to corruption. The only way to curb corruption is to allow a level playing field to the sincere: A good judge can\x92t pass an honest order if the entire Bar protests, and a corrupt judge can\x92t be stopped from passing a bad order unless a smooth and efficient remedy is available to a sincere individual irrespective of his or her status and political standing; the sincere individuals need to be given power. I have not read the Judicial Accountability Bill, but if it is not giving power to the sincere individuals, it is useless. This power won\x92t accrue unless transparency of judicial proceedings is ensured, and the evidence of the proceedings is made readily available. I don\x92t see any thing wrong in a litigant privately recording the proceedings of a Court for the sole purpose of using it as evidence in a forum created under the Judicial Accountability Bill or any other law; I don\x92t think there is any contempt of court in this. Last but not the least, the proceedings of a forum created under the Judicial Accountability Bill or any other law concerned with the accountability of the Judiciary needs to be broadcasted live to the public.

Addendum

Now, I have read the Judicial Accountability Bill. It is useless. The UK is the most hypocrite country, and the hypocrisy of the UK exemplifies itself best in the contempt laws. India has wholeheartedly adopted the hypocrisy of the UK: The senior lawyers can\x92t stop calling judges as \x93Lords\x94 in spite of having passed a resolution against it. Neither is the government sincere nor are the activists any better: nobody has raised any eyebrow on the BS that is being passed as judicial accountability.

The Judiciary can be divided into two parts: the Subordinate Judiciary (the District and Session Courts) and the Superior Judiciary (the High Courts and the

Supreme Court). The Subordinate Judiciary, even now, is amenable to scrutiny, both under the administrative law and the criminal law, not only under Prevention of Corruption Act but also under the Indian Penal Code. However, the Superior Judiciary is a constitutional organ of the State, and thus can\x92t be subjugated to any other organ of the State. The only organ which can scrutinize them is the fourth organ, i.e. the Media, but in which the Media always fails for the reasons best known to them. However, ironically, there is more corruption in the Subordinate Judiciary than the Superior Judiciary, which, I say, is because of the political interference by the lawyers-politicians \x97 every second lawyer in the Subordinate Judiciary wants to be a politician \x97 if the Judicial Accountability Bill is going to lead to the same situation in the Superior Judiciary as well, nothing can be worse. ©2011-2015 Ankur Mutreja

Chapter 3.3.10: In Re: Supreme Court Order Dated 12.09.2011; Zakia Jaffrey Has a Reason to Be Unhappy

(September 2011)

Zakia Jaffrey is the only person who, without knowing anything about law, is expressing the true sentiments with respect to the SC order dt. 12.09.11 in **Zakia Nasim Ahesan v. State of Gujarat** (Re: Jakia Nasim Ahesan v. State of Gujarat & Anr, Criminal Appeal No 1765 of 2011 in the Supreme court of India; download the judgment from http://www.supremecourtofindia.nic.in/outtoday/sr108808.pdf).

In this case, the SIT investigated the matter on the directions of the Supreme Court. The SC also appointed Amicus Curiae and directed him to file his report after an independent assessment of the statements of the witnesses who deposed before the SIT. The witnesses also included Sanjeev Bhatt. As per the media reports, the SIT rejected the statement of Sanjeev Bhatt and, in its report, gave a clean chit to Modi. Sanjeev Bhatt has filed an independent affidavit in the Supreme Court also. Vide order dt. 05.05.11, the Supreme Court didn\x92t take the affidavit of Sanjeev Bhatt on record and postponed the decision on the same after the report has been filed by the Amicus Curiae. I don\x92t know the independent assessment of the Amicus Curiae with respect to the statement of Sanjeev Bhatt, but, whatever may be the assessment, the SIT is not bound to include the report filed by the Amicus Curiae as part of its report to be filed before the Trial Court. In the words of the Supreme Court: *x93Before submission of its report, it will be open to the SIT to obtain from the Amicus Curiae copies of his reports submitted to this Court.*\x94 And, of course, the Supreme Court has not taken the affidavit filed by Sanjeev Bhatt on record in its order dt. 12.09.11 either.

The most important conclusion emerging from the order dt. 12.09.11 of the Supreme Court is that the Supreme Court has not doubted the SIT and has given it the final responsibility to file the investigation report before the Trial Court, and that is probably because the independent assessment by the Amicus Curiae is in sync with the assessment of the SIT including the assessment of Sanjeev Bhatt\x92s statement **(The Amicus Curiae was the most important person in this whole case)**.

However, the Supreme Court has directed the Trial Court to give an opportunity to the complainant to file its protest in case the SIT files a \x93closure report\x94. But, that would be of any value only if the Amicus Curiae has reached a different assessment with respect to the statement of Sanjeev Bhatt (which I guess is not the case). So, it is a clear cut pro-Modi verdict.

Zakia Jaffrey, if the decision of the Supreme Court doesn\x92t satisfy you, there is no contempt of court in cursing the decision, so don\x92t change your position. That\x92s the only thing that can bring you closure now unless Sanjeev Bhatt goes out of the way to help you, which I doubt strongly.

Addendum

In the **Vineet Narain Judgement** (Re: Vineet Narain vs Union Of India, 1996 SCC (2) 199, JT 1996 (1) 708; download the judgment from http://indiankanoon.org/doc/1754201/) dt. 30.01.1996, the Supreme Court observed:

> *However, if in respect of any such person the final report after full investigation is that no prima facie case is made out to proceed further, so that the case must be closed against him, that report must be promptly submitted to this Court for its satisfaction that the concerned authorities have not failed to perform their legal obligations and have reasonably come to such conclusion.*

I am also unhappy because the Supreme Court has not finally decided the issue of \x93closure report\x94 itself but left it for the Trial Court to decide it. Also, I have not understood the need for keeping the SIT report confidential.
BTW, not deciding the issue of \x93closure report\x94 can also be a ground for review (*Stare Decisis*).

2nd Addendum

Till now I have commented on the basis of media speculations, but now it has become clear that the SIT did file a closure report in the Supreme Court. What Supreme Court has done in this case is nothing less than a monumental blunder: It has overlooked its own precedence of the **Vineet Narain Judgment** dt. 30.01.1996 and failed to exercise its jurisdiction to reach a *\x93satisfaction that the concerned authorities [i.e. the SIT] have not failed to perform their legal obligations and have reasonably come to such conclusion [i.e. the conclusion to close the case]\x94* and has left it to the trial court to reach a conclusion.

It is now clear that the Amicus Curiae reached a conclusion different from that of the SIT. I am surprised how the Supreme Court could pass such an order. It is a manifestly erroneous order. The Amicus Curiae was appointed by the Supreme Court to draw conclusions with respect to the evidence collected by the SIT. By leaving it to the SIT to file a closure report before the Trial Court with a liberty to draw conclusion distinct from that of the Amicus Curiae, the Supreme Court has basically made the whole exercise of appointing the Amicus Curiae infructuous and subjugated the independent position of the Amicus Curiae to the discretion of the SIT. This is not only erroneous but also an insult of the Bar. I am lost for words. Why has Mr. Raju Ramachandran been keeping silent?

Of course, the opinions reached by the Amicus Curiae have been overruled by the SIT in its closure report filed before the Trial Court, and those being opinions, not evidence, are not to be considered by the Trial Court. It is a different matter that the Trial Court may also reach the same opinions as those reached by the Amicus Curiae, but, if not, it would be an additional insult to the Amicus Curiae because his report has also been submitted by the SIT before the Trial Court, which again is a very foolish thing to do because the report has no relevance before the Trial Court; at the same time, the Trial Court can\x92t allow itself to be influenced by the opinions reached by the Amicus Curiae. So, now if the Trial Court reaches a conclusion different from the one reached by the Amicus Curiae, it will be an extreme insult to the position of the Amicus Curiae.

I think the Supreme Court has erred very badly in the order passed by it, and now the only way out is to *suo moto* review its order and reach a decision with respect to the closure report filed by the SIT by juxtaposing the conclusions of the SIT against the conclusions of the Amicus Curiae. If not, it is an insult of the Bar. ©2011-2015 Ankur Mutreja

Chapter 3.3.11: Tackling Terrorism

(September 2011)

I know I\x92m wasting my time because the State is always the biggest terrorist. The lowest rank constable at a police station is capable of propagating and perpetrating unimaginable terror, of course, under the auspices of the local politicians.

Anyways, let me try. Let me first rule out what can\x92t be a solution. The solution can\x92t be to increase the penetration of intelligence agencies into the homes of the people through local police constables. That would be disastrous: Already the politicians are exploiting the people through local police; I wonder what will happen when local police would get even more powers through technology, law, etc; the mere thought of it scares me! Nor can the solution be to change the system, to carry out reforms, to bring in justice, etc. I have become cynical enough to understand that this can never happen in any country, whatsoever, at any time, whenever, in the future. The ruling class exists through the exploitation of the masses, and that is never going to change, whatever may be the forms of the governments.

A Little Digression

The Delhi High Court blast is throwing some disturbing trends. If the Delhi attack has not been carried out by the Pakistani terrorists, but by some home grown amateurs (which looks like a clear possibility now), the problem is certainly bigger. (I am assuming the blast was not carried out by the Hindu Right Wing terrorists.) The rising of the amateur terrorists means two things: first, there are groups who consider themselves victims of the state propagated injustice & terrorism, and, secondly, and more importantly, they do not think much before striking; for example, the attack at the Delhi High Court might have been carried out by some disgruntled litigant/s. Of course, the amateur terrorists will be exploited by Pakistani or other international terrorist groups; but, while doing so, they may not follow the same humanitarian rules which they follow otherwise; for example, killing poor litigants in search of justice should be insane, even for terrorists.

So, according to me, the solution lies in controlling the large gatherings of the people. The following should be done:

1 Ban rallies, religious processions, protests, fasts, strikes, marriages, social functions, etc, which require a gathering of more than 100 people at one place.

2 Discourage large multi-activity buildings/markets/public spaces leading to large gatherings.
3 Reduce the number of public spaces and completely ban any new avoidable public spaces like malls, cinema halls, entertainment centers, etc.

4 Encourage work from home, and, if in the office, then it should be in the neighborhood itself.
5 Encourage slow moving vehicles like bi-cycles, rickshaws, e-bikes, e-scooters, etc.

6 Employ very high security at unavoidable public places like public transport junctions, courts, hospitals, etc.

7 Encourage use of technology for carrying out essential activities so that a person may not have to use public spaces too often.

8 Encourage the movement of people away from the metropolises, esp. away from the big cities like Delhi, Bombay, Calcutta, etc, to cities with population no more than 5 Lakhs and population density no more than 75 persons per hectare; work on a long-term plan to create such small cities.

9 Bring in comprehensive e-governance.

10 Work towards breaking all links with the USA.

The above should be able to take care of the high impact terrorist attacks (assuming it won\x92t be possible to carry out chemical and biological warfare types attacks furtively). The low impact terrorist attacks from the politicians and other terrorists may continue, but people will have to learn to fight against these attacks themselves (and I am in no way suggesting that the low impact terrorist attacks are any less dangerous; rather, I think, they are even more dangerous).

Addendum

The belief that the intelligence agencies can stop terrorist attacks is foolhardy. The only purpose of the intelligence agencies is to maintain sovereignty of the nations \x97 which anyways is a collapsing concept. Of course, \x93global terrorism\x94 has now become a threat to the sovereignty of nations, but I am still not sure who is running these terrorist organizations: Is it a few in Afghanistan or is it some big bosses in America, who ran and are running the game in Afghanistan? But, one thing is for sure: whichever way you look at it, remoteness from the US is beneficial for India \x97 closeness with the US only helps a few NRIs and the capitalists and their cronies including politicians; the

others only suffer. But, what intelligence agencies \x97 who have now more or less become the agents of the big business \x97 seem to be proposing is the most dangerous. They want to make the local police stations the intelligence gathering agencies for the centre. Nothing can be a bigger threat to the freedom of people. Already in metropolises like Delhi and Bombay, the local police \x97 which actually is supposed to perform municipal functions \x97 gathers too much illegal intelligence; and, in the process, they are also creating a market in pornographic videos; any further intrusion will make each and every individual a potential terrorist. Even while assuming that the US has now separated from the terrorism activities emanating from Afghanistan, there is no case for emulation for India. India is a completely different country presenting completely different considerations and requiring completely different solutions. In fact, the solution to terrorist attacks in India does lie at the local police level by efficient performance of the municipal functions, not intelligence gathering; i.e. by not allowing illegal constructions, illegal businesses, illegal activities, public nuisance, petty crimes, illegal gatherings, illegal traffic, illegal parking, encroachment on public streets, etc. ©2011-2015 Ankur Mutreja

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Chapter 3.3.12: Unauthorised Colonies Are a Boon for the Citizens of Delhi

(December 2010)

Call it irony or whatever else; the unauthorized colonies have been a boon for the citizens of Delhi. These colonies have allowed the real needy people to construct houses and thus checked black marketing of land. Many people put up an argument that the DDA\x92s control over the developed land has led to high land prices by creating artificial scarcity. But, actually the reverse is true. I need to speak a little about the land laws and the land market in Delhi to substantiate my point.

In Delhi, the major development of residential land is controlled by the DDA. In other words, all residential land in Delhi has to be owned by the DDA unless it decides to make the status of lands/flats/houses freehold and convey the same to the lessees. There are also some low income lands/flats/houses developed by the DDA and handed over to the MCD for management purposes, which lands/flats/houses are owned by the government and licensed out to the residents. I don\x92t have much knowledge of the cantonment area land. Also, there is some land owned by the government directly. Obviously, the DDA has badly failed in providing well developed land in Delhi leading to two ramifications: first, the price of land in the DDA developed land has sky rocketed, and, secondly, large number of unauthorized colonies have sprung up. Now, let us see how the unauthorized colonies come up. Unauthorized colonies are unauthorized not because the ownership is unauthorized but because the construction of residential units on an agricultural land owned bonafide is unauthorized. In other words, if there were a mechanism for identification and transfer of small pieces (as small as 50 square yards) of agricultural land (which obviously can\x92t be put to any kind of agricultural use, but only to residential use), the ownership of individual residents on these plots would have also been complete though the constructions would have still remained unauthorized, but only like any other unauthorized fourth floor in the so called authorized DDA colonies. But **fortunately** that has not happened in Delhi; let us see what has happened.

In Delhi, the agricultural land owners made some haphazard site plans with maximum possible utilization for residential use and minimal dedication to

public use and, accordingly, sold the so-demarcated small plots to bonafide purchasers, but the registrar failed to register these transfers, for being unable to identify the transferred land. So, a person buying a plot of land this way has no recourse in a court of law because he is unable to identify his land legally. The courts don\x92t recognize the haphazard site plans prepared by the agricultural land owners and also want registered transfer documents in all cases of transfer of property; however, the courts do recognize bonafide possession. So, in other words, these small plots can be utilized only by those who actually live there, which means the black marketing of land is minimal as the initial development of land has to be done by the bonafide residents themselves; and the retention of unutilized land for speculative purposes carries very high risk, not only legally but also practically as no speculator likes employing resources for keeping a constant vigil on his visually identifiable but legally unidentifiable plot of land. **This, in fact, has been a boon for the citizens of Delhi.** This way, the resourceful citizens of Delhi have been able to find affordable land and make their houses over it. The vote bank politics has also ensured the provision of basic amenities in good time. Of course, these basic amenities only include *paani, bijli and sadak*; not parks, shopping centers, community hall, etc. Though I agree that, with the provisions of basic amenities, the land prices in these unauthorized colonies have also sky-rocketed, and all kinds of builders, politicians and land mafia have benefited, but the initial development benefited the bonafide residents. Burari is a recent example of such a phenomenon, where the migrants have benefited the most.

Well, I think the Home Minister is definitely misinformed: The unauthorized colonies in Delhi are a boon for the bonafide residents, not criminals. BTW, the ninety-five percent of Delhi live in slums and these unauthorized colonies with a large proportion of migrant population in it, so, obviously, no less than ninety-five percent of crimes should also originate from these colonies. The Home Minister need not have retracted his statement; it is indeed a statement of fact \x97 though no genius, except an evil genius, would make it at the first place.
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Chapter 3.3.13: A Raja: Better Luck Next Time

(November 2010)

A. Raja need not go because his defense is convincing in one of the interviews given to the Hindu (Re: http://www.thehindu.com/news/resources/article884339.ece), and when there is no other criteria except the *prima facie* culpability, the *prima facie* defense of the accused, even when unsubstantiated, should be given due consideration if it raises *prima facie* doubt with respect to the *prima facie* case of the prosecution.

The transcript of the alleged taped conversations between Nira Radia and various big guns, including the journalists who run and appear on TV debates, makes it abundantly clear that the government in India is not only amenable to corporate influence but also dependant upon some big corporates for ministerial postings. In other words, the government in India is being run by the corporate. The above inference is based on the transcripts which were available on the Hindu website for a single day.

Now, let us analyze the defense of A. Raja in the above context. A. Raja has raised an important defense that he has acted against the cartel of big players by opening up the sector to a larger number of players, and, therefore, he is being targeted. His other defenses with respect to the \x93First Come First Serve\x94 policy, the TRAI recommendation on pricing, the pre-ponement of the cut-off date, etc., are also pretty convincing on the face of it, though questions can be raised. However, assuming that nothing happens in India without greasing the palms of the bureaucrats and the politicians, I have no doubt that palms would have been greased in this case too.

I have a feeling that A. Raja was trying to change the power dynamics in favor of the government by allowing larger number of players; in other words, he was taking away the power of the corporate by playing divide and rule. However, he made one very big mistake: He sold the licenses very cheaply, and those whom he favored sold them at a premium. Obviously, if the licenses had been sold to the cartel, the government would have fetched much higher prices because the things would have been better managed, but then it would have been a failure of the strategy of the government, not only A. Raja. So, probably more analysis should have been done, and a better strategy should have been adopted.

I prefer what A. Raja was trying to do because that would have improved the

balance of power. It looks A. Raja will now be thrown out. Well, better luck next time! ©2010-2015 Ankur Mutreja

Chapter 3.3.14: Not Just the Save Tiger Project, Please

(May 2010)

Now, I am kind of bored writing about Naxals, so let this be my last post on them.

First thing first! Who carried out the West Bengal train attack? The Indian Government strongly suspects Naxals\x92 hand either directly or indirectly through one of their front organizations. Somewhere, I read that, as per the Indian Government, some local members of the PCPA carried out the attack though not necessarily in consultation with the higher-ups; the Naxals and the PCPA have denied responsibility. The Naxals have gone to the extent of saying that they will call people\x92s court and punish the guilty. But, who is guilty has to be known first! Let\x92s wait and watch!

However, the more important question now is \x93government\x94 *per se*. The most important function of a government is maintenance of \x93Law and Order\x94. Though the word \x93Law\x94 is always mentioned first, but the priority is always given to maintenance of \x93Order\x94, so much so that some apparently intelligent people differentiate between \x93Justice\x94 and \x93Law and Order\x94, forgetting that \x93Law\x94 means \x93Justice\x94, and if the objective of \x93Order\x94 is anything other than justice, it is not governance. So, in the above context, it has to be seen whether the Indian Government has lost its right to rule in certain areas of India.

I will start with Delhi, the Indian capital. The Delhi Police, followed by the Judiciary, has the most important role in maintaining \x93Law and Order\x94 in Delhi. Undoubtedly, it has been able to maintain the order, but has it been targeted towards justice? Undoubtedly, not! The maintenance of order in Delhi by the Delhi Police signifies \x93the Survival of the Fittest.\x94 That\x92s the rule of jungle, not civilization. Why do we need a government for maintenance of such an order? People can very well do it themselves! And, probably, that\x92s what is happening even now in Delhi. Weak people, if they want justice, rightly don\x92t go to the police: They resort to self-help, form organizations like BHAI or join some already existing BHAIs to deliver justice unto themselves. Though, at the same time, they also deliver injustice unto those who are not ready to join the BHAIs. So, the BHAIs become the \x93Tigers\x94

of this jungle, and the others become the \x93Deers.\x94 And, the Police help in compromising disputes between the BHAIs, completely inaccessible to the \x93Deers\x94, but available forever for the maintenance of order against the marginal attempts of the \x93Deers\x94 to escape from the clutches of the \x93Tigers\x94. If that\x92s the \x93Order\x94 which the government offers, we need no governance.

But, then the question: Should we bring in Naxals in Delhi? The answer is an ambiguous Yes and No: Yes, because, then, some \x93Deers\x94 might join Naxals, protect themselves from the \x93Tigers\x94 and somehow survive the jungle called Delhi; no, because Delhi remains a jungle, much the same.

Now, let us visit the jungles of Dantewada. There the problems may be much bigger and sharper: In Delhi, the BHAIs can create public nuisance next to my house with impunity, but can\x92t force me out of the house; however, Dantewada is such precious jungle where BHAIs actually want to force the \x93Deers\x94 out of their natural habitat, just in order to mine some metals/minerals, all the while forgetting that these \x93Deers\x94 are actually humans like them. Anybody would pick up arms in such a situation: If someone were to break the door of my house, I\x92ll hit him with a *lathi*; if someone is demolishing the habitat of the *Advasis*, they will naturally pick up bows and arrows. If the police were to arrest me for picking up a *lathi* in self-defense, I might fight it out in a court, which are available in plenty in Delhi; failing which, I would run away to the jungle because though there are no courts in the jungle except the ones created by the Naxals (which obviously don\x92t qualify as courts from any viewpoint), there is lots of ammunition available with the Naxals, with which they fight the police, and apparently do justice unto the *Advasis*, though, of course, in the most brutal \x93the Survival of the Fittest\x94 manner. I know I have the faculties to survive in a real jungle of Dantewada without joining the ranks of the Naxals, but, in absence of legal justice, a jungle like Delhi is really too much. Given that, why wouldn\x92t the *Advasis* say yes to the Naxals when they have no access, whatsoever, to legal justice, are being targeted by the police to maintain order in the interest of the BHAIs, and the only thing they have been left to understand is the language of violence (in all forms possible). In such a situation, I have no doubt that the Naxals have started considering themselves as a viable alternative to the Indian Government, and so have the *Adivasis.*

So, do the Naxals have a role to play in India? Surely, they do: Every violent

wild animal has a role to play in the jungle: the Tiger, the Lion, the Dog, the Wolf, *et al*. So, not just the Save Tiger Project, please.

NOTE: Violence means physical abuse, sexual abuse, verbal abuse, emotional abuse, economic abuse, mental abuse, social abuse, psychological abuse, etc.
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Chapter 3.4: International

Chapter 3.4.1: Breakup with Pakistan Is Stupid

(August 2014)

I think the first international relations blunder has been made by the Modi Government. India and Pakistan are neighbors fighting over a piece of land for ages now. India went to the Judge with the dispute, who acknowledged the dispute, but then India realized its mistake and, ever since then, has been trying to withdraw the dispute without adjudication; but, of course, this Judge is different from the Indian Courts: he won\x92t let this case be withdrawn now. So, what did India do! It started out of court talks with Pakistan and also reached a kind of agreement (Shimla Agreement), but the agreement had no legal validity in absence of the assurance of its enforcement; thus the agreement was breached at will, but the talks continued. Now, India has decided not to talk with Pakistan if it continues talking with the Hurriyat Conference and the other separatist groups, who seem to be representing a large population in Kashmir. The reason for this stance also seems to be the paradoxical approach of India of avoiding calling Kashmir a dispute but seeking its resolution through talks at the same time. India thinks if they will involve the separatist groups in the trilateral talks, Kashmir would automatically get acknowledged as an international dispute, and whatever hide and seek game it has been playing on this issue will come to an end. Well, the apprehensions are correct, but the approach adopted by India is, to say the least, stupid: by putting an inconsequential condition for talks, India has automatically brought this issue on the international map. Pakistan is now free to approach the UN once again and revive the \x93dispute\x94 recorded in the file, and India will no more be able to take a position that the dispute can and should be resolved through bilateral talks without involvement of the international arbitrators/mediators. This is a monumental blunder, which can lead to serious problems in the future. Still the worst, India has walked out in such a frivolous manner that it almost looks kiddish. Furthermore, this approach of India has also closed all doors for talks on other issues like terrorism, rivers, exports, sports, media and culture.

The problem between India and Pakistan is that the militaries of the two countries have made a mountain out of a mole and have not allowed the Kashmir dispute to be settled in an amicable manner. Everybody knows the only solutions to the Kashmir problem is to either declare LOC, LAC (including Mc Mohan Line) as international borders or to create a self-governing international zone of

Kashmir Valley, militarily supported by Pakistan, India and China. But for the ulterior motives of the militaries, the solution is so easy and simple that the dispute should not have taken more than a few hours to get resolved.

The problem is that the military forces across the globe are facing existential crisis. They are no more needed in the globalized world except to protect the global business interests; but, of course, this can\x92t be recognized as a rationale for keeping such large military forces; so, they have invented this imaginary threat of global terrorism and will propagate it until they invent some thing new like the threats from the extraterrestrial bodies. India has either already jumped or is contemplating jumping into this band-wagon, and, in the process, it wants to establish and condemn Pakistan as a global terrorist. There can\x92t be any other comprehensible reason for the approach India has adopted towards Pakistan, but I am amazed at the audacity of the Modi Government: they are trying to condemn a long standing ally of the US as a global terrorist! This can be done only if India becomes the strategic partner of the US in the east subduing Pakistan first as a junior partner and then gradually condemning it as a global terrorist. I think the invitation to Sharif at Modi\x92s swearing-in ceremony was also to the same effect; i.e., to subdue the role of Pakistan as a junior partner in the fight against terrorism; Pakistan also seems to have accepted this role for a while, but soon the Pakistani military took over, which is definitely better informed, and then the recent infiltrations in Kashmir were self-evident. However, now in order to maintain/project its recently attained status of a senior partner, India seems to have taken this extreme and desperate step without realizing its true global status. I don\x92t think it is possible for India in its present global status to dislodge Pakistan altogether from the international map; Pakistan will have to do something really very silly to be condemned as a global terrorist.

This is what happens when a single political party gets overwhelming majority: they start reflecting their local status into the global arena without any local criticism \x97 all Indian media channels are promoting even this stupid a move by India.

But, for a change, the Congress seems to have played its cards cleverly this time.
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Chapter 3.4.2: The Norway Kids Row: the Failure of Indian Diplomacy

(March 2012)

The story of the Norway couple is tragic reflecting the complete failure of Indian diplomacy. The only question that has arisen in this case is whether the Norway Government have any right to keep the kids in their custody. The answer is an unequivocal no.

Let\x92s analyze the case: The Norwegian authorities have forcefully handed over the custody of one three-year-old and another one-year-old kid to some unknown foster parents after reaching a conclusion, through the Norwegian judicial process, that the kids were unsafe in the custody of their parents. However, the kids are not the citizens of Norway but were accompanying their parents, who, I believe, were staying on a work visa in Norway. Now, their visa ends at the end of this month, where after they shall return but without kids; what could be more tragic?

Let us see what the Indian Government has done. The Indian Government, through their diplomatic channels, tried some kind of a compromise with the Norwegian authorities, as per which, the custody of the kids was agreed to be handed over to the kid\x92s uncle. However, now, after the reported news of a rift between the parents, the Norwegian Child Welfare Services says that the case shall be dropped as the new developments have made it impossible to carry out the hearings in the District Court. The Indian envoy to Norway has already cancelled his trip in the face of the new developments.

I need not delve into the merits of the decision taken by the Norwegian authorities; also, I need not delve into the merits of the Norwegian system, which takes away kids from their parents. The question here is straightforward; i.e., does the International Law allow the Norwegian authorities to keep children in their custody? The answer is a big no. The Norwegian Domestic Law is not applicable to India. Even if the Norwegian Law were considered as some kind of International Humanitarian Law, it has no applicability to India as India is not a signatory to the treaty subjecting countries to the International Humanitarian Law. So, under what pretext can Norway keep custody of kids? This is not a criminal matter: A bare look at the Child Welfare Act of Norway makes it abundantly clear that the procedure applicable is that of the Norwegian Civil

Procedure Code. What Norway is doing would be similar to saying that a Norwegian bride married to an Indian groom and having her matrimonial home in India can\x92t leave India without divorce as the Indian Law safeguards conjugal rights, which, obviously, a Norwegian bride can\x92t fulfill from Norway unless the groom is OK with Cyber Sex.

Now, let\x92s see the attitude of the Indian Government towards this issue; I think it\x92s pathetic: The Indian Government is grossly incapable of protecting its citizens, both inside and outside India; the only citizens it can protect are the US/UK/Canada based NRIs on a visit to India, and that\x92s also because the NRIs get protection from the countries of their preferred residence. The approach of the Indian Government is ridiculous. First, why look for a negotiated settlement at all? Second, what difference does it make if the parents decide to separate? Does it mean that, with the separation of parents, the kids become orphans and thus can be put in foster care? What non-sense is this of the Indian Government to dissociate itself from the issue calling it a private family matter? The separation of parents may be a private matter, but the custody of kids is not. In fact, if any of the partners is not amenable to a separation, the separation also ceases to be a private matter: The Indian law allow for separation only under certain specified circumstances, which have to be proved in a court of law; in all other circumstances, it becomes a case of domestic violence by default. At the same time, the custody of the kids, if any, has also to be decided in a court of law, and both abandonment and forcefully taking away of kids are criminal offenses; if the separation is by mutual consent, an agreement has to be reached with respect to the custody of the kids as well, and if no agreement is reached, again the custody of kids has to be decided independently in a court of law. The Indian Government, instead of giving precedence to the Indian domestic law with respect to divorce, is giving precedence to the Norwegian Child Welfare Act which is nothing but shirking responsibility. Only the spineless Indian Government could have taken up such an attitude

The message is clear: The Indian diplomacy has failed badly, and now it\x92s time for a military strategy. There is no justification for keep increasing the defense budget if India can\x92t even protect its citizens. ©2012-2015 Ankur Mutreja

Chapter 3.4.3: Mission "Kill Assange"

(November 2011)

In one of the TV debates I saw a flashing note, \x93Canada PM (ex) *Aide*: Kill Assange\x94. I am sure he is not the only one who wants to kill Assange. But, unfortunately, this time their task is a bit difficult. Let me help them.

Assange is a comprehensive, new-age rebel. The lines have been drawn, and the distinction is clear. This time there are no armies, no weapons, no suicide bombers, but just \x93RAW DATA\x94 facing the might of the most powerful states. Assange is good to nobody and has cared less to hide the derogatory information against the most powerful leaders of the world; that\x92s why his data is \x93RAW DATA\x94. I wonder is there anybody really supporting him! And, for that, he can\x92t be killed so easily: If killed just like that, he will end up becoming the most daring individual ever and, of course, an inspiration for the rebels, world over. I feel pity for the Canadian PM ex-Aide; he just doesn\x92t understand politics. Let\x92s see how Assange can be killed:

Step 1: Project the information leaked by Assange as non-sensational, unproductive and irrelevant, and Assange himself as a money and publicity greedy wreck, so that the interest of people die down in Assange \x97 well, this step has already been taken.

Step 2: Catch Assange, put him in Jail, and torture him to death \x97 BTW, as per the UK authorities, Assange is hiding in the UK, but they can\x92t catch him because warrant has not been filed properly by Sweden.

Step 3: Display the fabricated moments of remorse, desperation, helplessness of Assange, so as to make him look like a very weak person pleading for his life \x97 and, the weak spineless people of this world would feel happy about their existence.

Step 4: Declare Assange mentally unstable, suicidal, depressed, schizophrenic, and whatever else; of course, create/fabricate evidence and show it to the world \x97 people will pity an idiot, who rebelled without a cause, and ended up becoming a lunatic.

Step 5: Now, kill Assange and call it suicide \x97 WOW\x85so easy to kill a rebel; give some prudence to this Canadian PM ex-Aide!

Addendum

I read the judgment of the UK Court on the extradition of Assange. I must say his lawyers have done a great work, but, I think, they shouldn\x92t have withdrawn the allegations of abuse of process/collateral purpose because abuse by the Swedish authorities is apparent on the face of the record. Nonetheless, the UK Court\x92s judgment is inconsistent: In the same judgment, a rupture of condom and the consequent ejaculation inside the vagina has been admitted to be rape in the UK (though not in Sweden), but, while actually dealing with the rape charges, the UK Court looked from a \x93cosmopolitan eye\x94, which was neither the UK eye nor the Swedish eye. If I am not wrong, the presence of coercion is necessary for the charge of rape in Sweden; so, actually, the charge made out in the EAW was not that of rape as per the Swedish law. It was not rape as per the UK law either as in the UK only ejaculation, not penetration, is construed as rape; whereas, in the charge, though there was lack of consent for penetration, there was presence of consent for ejaculation. The UK court applied the \x93lack of consent\x94 and found the EAW to be appropriate looking from the \x93cosmopolitan eye\x94. Even then, I think the argument of Assange\x92s lawyers has been wrongly rejected. The UK court has differentiated between the stages when the penetration takes place and when the ejaculation takes place \x97 though I wonder can they be separated. In this case, the consent, though found present in the second stage, was found absent in the first stage as the girl had not consented for penetration without condom, and, therefore, the EAW was found appropriate. This is same as saying that when a girl agrees for ejaculation inside her vagina, you need to pump up and excite your penis without touching her vagina because you never know when she will turn around and say, \x93I never agreed to penetration\x94; and just somehow shoot the semen inside her vagina at the time of ejaculation. **Basically, only the Superheroes can ejaculate inside vaginas in Sweden; the rest can only masturbate.** The reasoning of the UK Court is ridiculous and devoid of common sense.

I think the best ground before the lawyers now is their third ground; that is, Assange is not an \x93accused.\x94 It seems the UK court has completely erred in the reasoning with respect to this allegation of the lawyers. If I am not mistaken, the Svea Court of Appeal in Sweden was only looking whether, from the allegations made, there were any grounds made out for investigation, as is also evident from Para 52 of the judgment. This is similar to the aspects which the Indian High Courts look into while deciding whether an FIR should be quashed by using inherent powers u/s 482 CrPC. As per the 2003 Act, an \x93accused\x94 is definitely distinct from a mere suspect, who is being or is

about to be investigated. I fail to understand how the UK Court could apply the UK law to term the mere suspect under the Swedish law as an \x93accused\x94 when the question in consideration was EAW issued by the Swedish authorities, that too after looking at the extrinsic evidence! **How?** ©2010-2015 Ankur Mutreja

Chapter 3.4.4: Are Israeli Strikes Justified?

(December 2008)

Israel has launched an offensive attack against HAMAS in Gaza Strip with the aim of wiping out HAMAS. HAMAS, i.e. Harakat al-Muqāwamat al-Islāmiyyah, meaning “Islamic Resistance Movement” is a Palestinian Sunni paramilitary organization and a political party, which holds majority of seats in the elected legislative council of the Palestinian National Authority.

International perception of HAMAS varies from the extreme negative to somewhat positive:

- The European Union lists HAMAS among its list of entities against which it applies restrictions to combat terrorism.

- Israel\x92s ministry of foreign affairs claims that \x93Hamas maintains a terrorist infrastructure in Gaza and the West Bank, and acts to carry out terrorist attacks in the territories and Israel.\x94 In February 2008, a Haaretz poll indicated that 64% of Israelis favor their government holding direct talks with HAMAS in Gaza about a cease-fire and the release of the captives.

- Japan stated in 2005 that it froze the assets of \x93terrorist organizations, including\x85.. Hamas.\x94

- Jordan has banned HAMAS.

- Norway was the first western country to recognize the 2007 Palestinian Government consisting of both HAMAS and Fatah, and the Norwegian officials have met with HAMAS representatives on several occasions.

- The United States lists HAMAS as a \x93Foreign Terrorist Organization\x94.

- The military wing of HAMAS, the Izzad-Din al-Qassam Brigades, is listed as a terrorist organization by Australia and the United Kingdom.

- In a 2007 Pew Global Attitudes Survey, 62% of the Palestinians have a favorable opinion of HAMAS, as do majorities or pluralities in Jordan and Morocco.

- Opinions about HAMAS are divided in Egypt and Kuwait, and HAMAS is viewed negatively in Turkey and Lebanon.

HAMAS\x92 long term goal is to make Israel withdraw from all land occupied in the 1967 Six Day War. However, HAMAS publicly announced an offer for a

10 year *hudna* or cease-fire with Israel if they decide to return to their pre-1967 borders and allow the return of all Palestinian refugees. Several nations originally rejected the plan, but Israel is yet to respond. On June 19, 2008, a six-month long Egypt-brokered-ceasefire agreement was signed between HAMAS and Israel. On 20th December, HAMAS officially announced they would not be extending the cease-fire. Citing Israeli border closures as the primary reason, HAMAS then resumed the shelling of the Western Negev. HAMAS blamed Israel for the end of the ceasefire, claiming Isreal failed to respect the ceasefire terms including the lifting of the blockade, failing which little more than the humanitarian aid has been allowed into Gaza. Israel says it initially began easing the blockade, but it was halted when HAMAS failed to fulfill the agreed upon conditions including the termination of all rocket fire and the halting of weapons smuggling.

The current situation in Gaza is summed up by The New York Times as follows:

> *Opening the routes to commerce was Hamas\x92s main goal in its cease-fire with Israel, just as ending the rocket fire was Israel\x92s central aim. But while rocket fire did go down drastically in the fall to 15 to 20 a month from hundreds a month, Israel said it would not permit trade to begin again because the rocket fire had not completely stopped and because Hamas continued to smuggle weapons from Egypt through desert tunnels. Hamas said this was a violation of the agreement, a sign of Israel\x92s real intentions and cause for further rocket fire. On Wednesday [12/24/08], some 70 rockets hit Israel over 24 hours, in a distinct increase in intensity.*

The United Nations humanitarian chief said that, in the first three days, about 320 Palestinians were killed and about 1,400 injured; the UN said that the civilian casualties, i.e. women and children, are 62.

The Reactions

Some members of the Arab League including Libya, Syria, Jordan, Lebanon and Yemen condemned the attacks by Israel. Russia, France, and the United Kingdom have condemned both sides. The United States, Egypt and Germany justified Israeli attacks as ramification of the HAMAS\x92 bombings and condemned the bombings. Some Arab states were condemned by the others for being indifferent to the attacks. The United Nations Security Council called *\x93for an immediate halt to all violence.\x94* Several Muslim religious authorities, including the Iranian supreme leader Ali Khamenei and the major

Iraqi Shia clerics Ali Sistani and Awadh Al-Qarni, issued a fatwa urging Muslims to *\x93avenge the Gaza raids.\x94*

Israel justifies the attacks as self-defense.

In 1967 war also, Israel justified the pre-emptive attack taking over Sinai Peninsula (later returned), Gaza Strip, West Bank, Golan Heights and East Jeruselam as self-defense. The critics have criticized this as disproportionate use of force.

Ironically, Israel justifies both the pre-emptive strikes and the defensive strikes in self-defense, and HAMAS/Arabs don\x92t get the self-defense benefit in either case, which is unfair. If instead of ending the ceasefire, HAMAS claims the non-lifting of blockade as an attack on the Palestinian economy and the livelihood of the Palestinians, would HAMAS be justified in launching a pre-emptive rocket attacks! A line has to be drawn somewhere! BTW, in 1967, Egypt almost retreated under pressure from the USSR and the USA; in contrast, Israel has prepared for the current attacks on HAMAS for the last six months. Assuming HAMAS and Israel are both irresponsible bodies (terrorist or non-terrorist), this is a fit case for subjugating the national sovereignty of the State to international peace and thus the International Law. © 2008-2015 Ankur Mutreja

Chapter 3.4.5: Is IAEA Safeguard Agreement Unconstitutional?

(August 2008)

The Agreement

The termination clause of IAEA Safeguard Agreement is a bone of contention. As per Mr. Anil Kakodkar, the perpetuity of the safeguards is linked to the perpetuity of the fuel supplies, and this holds for the indigenous facilities as well. This is based on the interpretation of the IAEA Agreement. However, as per the other interpretation, based on paragraph 15 (c) of the Separation Plan dated 2nd March, 2006 (reproduced below), India is bound in perpetuity to the Agreement and can\x92t terminate it.

> *An India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.*

As per Para 105 of the Plan, in the case of a dispute, \x93India shall have right to request that any question arising out of the interpretation or application of the agreement be considered by the IAEA Board\x94, which means that the final decision will be that of the IAEA Board, and the Board may well uphold the second interpretation. In such a scenario, India shall be legally bound to accept the authority of the IAEA over its own authority *sans* any judicial recourse, which, in other words, is the loss of sovereignty.

The Constitution

As per article 73 of the Indian Constitution, the executive power of the Union extends *\x93to the matters with respect to which Parliament has power to make laws.\x94* As per article 246, *\x93Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule\x94*, i.e. with respect to the Union List. Entry 13 of the Union List

provides for *\x93participation in international conferences, associations and other bodies and implementing of decisions made thereat.\x94* Entry 14 provides for *\x93entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.\x94*

Thus, the Executive derives its treaty making powers from the above mentioned provisions. It is well settled that, under the present scheme of the Indian Constitution, the Executive can enter into treaties without any parliamentary approval/ratification. However, the law making powers and thus the executive powers are subject to constitutional safeguards like the Fundamental Rights and the Basic Structure. Isn\x92t the loss of sovereignty with respect to the indigenous facilities, discussed above, against the basic structure doctrine! As per the preamble to the Constitution, India is a sovereign state, and, in **Indira Gandhi v. Raj Narayan** (Re: Indira Gandhi v. Raj Narayan, [1976] 2 SCR 347; download the judgment from http://indiankanoon.org/doc/936707/), Justice Y. V. Chandrachud listed four non-amendable basic features of the Constitution:

- Sovereign Democratic Republic status

- Equality of Status and Opportunity of an individual

- Secularism and Freedom of Conscience and Religion

- \x93Government of laws, not of men\x94, i.e. the Rule of Law

No law or executive action can compromise the sovereignty of the country; therefore, the IAEA Safeguard Agreement is anti-sovereignty and thus unconstitutional. The IAEA Safeguard Agreement needs to be challenged in the Supreme Court of India. © 2008-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 3.5: Legal (Judgments)

Chapter 3.5.1: Aarushi Murder Case Judgment: A Critique

(December 2013)

The judgment in the **Aarushi Murder Case** (Re: The State of U.P. Through the C.B.I. v. Rajesh Talwar & Another, R.C. No.1(S)/2008/SCR-III/CBI/NEW DELHI in the court of Additional Sessions Judge/Special Judge, Anti-Corruption, C.B.I., Ghaziabad; download the judgment from https://drive.google.com/file/d/0B3C_zx4dsPdWR1N3aHJLdzltSlU/edit?pli=1) has been pronounced, and the parents have been held guilty of the murders on the basis of the circumstantial evidence. The undisputed facts of the case are that Nupur Talwar, Rajesh Talwar, Hemraj and Aarushi were last seen together on the night of 15/05/2008 in the flat owned by Rajesh Talwar and occupied by the four people mentioned above. Nupur Talwar is the mother, Rajesh Talwar is the father, Aarushi Talwar was the daughter and Hemraj was the servant; all of them were living in the same flat. Aarushi Talwar was a teenage minor girl with partial capability to make independent decisions, especially in the matter of love, sex, sports and education. Hemraj was allocated separate room opening separately into the common verandah/passage unauthorizedly converted to the use of the occupants of the flat by installing a grill/mesh door at the end of the passage (this particular fact I can\x92t confirm in absence of a site plan, but, from the reading of the judgment, it appears to be so). The room of Hemraj also opened inside into the flat. Thus, Hemraj, for all practical purposes, was the sole independent occupant of the said separate unit, with an independent access to the said unit and with an independent mind of his own. Aarushi, on the morning of the next day, i.e. 16.05.2008, was found dead in her separate room, which opened inside the flat. Hemraj was found dead on the next-to-next day, i.e. 17.05.2008, on the terrace of the flat having entrance from the staircase lobby. The door of the terrace was locked and was broken open before recovering the body.

The prosecution theory is that Aarushi and Hemraj were murdered by Rajesh Talwar as he saw Aarushi and Hemraj in a compromising position on the intervening night in Aarushi\x92s room, and he murdered them in a fit of rage, and that was the motive for the murders. Nupur Talwar was found guilty in the furtherance of the common intention. It is clear from the judgment that the prosecution theory on the motive of the murders has been accepted *in-toto*.

Comment: First and foremost, the crime committed in a fit of rage on a grave provocation doesn\x92t tantamount to murder but, to culpable homicide. So, the conviction of Nupur Talwar and Rajesh Talwar u/s 302 IPC is bad in law. How are some people appreciating this judgment!

Rajesh Talwar and Nupur Talwar have been convicted on the basis of purely circumstantial evidence as the court found the prosecution was able to discharge its burden beyond reasonable doubt, to the extent they were able to prove that the four people were seen together in the same flat on the night before the murder, and that the two of them were murdered on the intervening night of 15.05.2008 and 16.05.2008 in the flat, or else that Hemraj was brought into unconscious state in the flat and removed from the flat in that state. The burden thus shifted on the still surviving occupants of the flats to prove, u/s 106 Evidence Act, the events which occurred inside the flat on the intervening night and also to prove the events which occurred outside the flat, i.e. the appearance of the dead body of Hemraj on the terrace, in consequence of the events which occurred inside the flat

Comment: I have read this judgment twice; the prosecution has nowhere proved beyond reasonable doubt that either the murder of Hemraj happened inside the flat or else he was brought into unconscious state inside the flat. On what basis the onus has been shifted on Talwars to account for the murder of Hemraj is beyond my comprehension; there is no basis even for shifting the onus for the murder of Aarushi on Talwars because there is a presence of a third independent person, i.e. Hemraj, inside the flat on the intervening night. Furthermore, even otherwise, the onus has been shifted wrongly on Talwars to account for the murder of Hemraj or to account for his whereabouts. Even if it is assumed that the murders happened inside the flat, Hemraj was an adult independent occupant of a separate dwelling unit inside the flat with unrestricted control over his movements inside and outside the flat and with even an independent access to his separate unit, and he could have provided friendly and/or surreptitious access to outsiders. Rather, no onus can be shifted also because Aarushi was an independent individual with a partially mature mind of her own with the ability to provide surreptitious access to outsiders inside the flat. The prosecution has not even attempted to prove that there was no friendly and/or surreptitious access inside the house through Aarushi and/or Hemraj. Unless such is proven, how can the onus be shifted on Talwars u/s

106 Evidence Act?

One of the strong findings in support of shifting the onus is supposed to be the testimony of Bharti Mandal, the maid servant. On the basis of her testimony, it has been held that the flat was not found locked or latched from outside in the morning. The testimony of Bharti Mandal as recorded on page nos. 86-87 of the judgment is reproduced below:

> *P.W.-10 Bharti Mandal has recounted that on 16.05.2008 at about 06:00 A.M. she reached as usual at Flat No. L-32, Jalvayu Vihar and rang the call-bell of the house but no response came from inside. After pressing the call-bell second time, she went up-stairs to take mopping bucket. Thereafter, she put her hand on the outer grill/mesh door but it did not open. Subsequently, she again pressed the call-bell and then Dr. Nupur Talwar after opening the wooden door came near the grill door/mesh door situated in the passage and enquired about the whereabouts of Hemraj to which she replied that she had no idea of him and then Dr. Nupur Talwar told her that Hemraj might have gone to fetch milk from Mother-Dairy after locking the middle grill/mesh door from outside and she could wait until he returned. Thereupon, she asked Dr. Nupur Talwar to give her keys so that she may come inside the house after unlocking the same and then Dr. Nupur Talwar told her to go to the ground level and she would be throwing keys to her from balcony. Accordingly, when she came down the stairs and reached the ground level,* ***Dr. Nupur Talwar threw keys from balcony and told her that the door is not locked and only latched from outside and then she came back and opened the latch of the mesh door of the passage and came inside the house.*** *Thereafter, Dr. Nupur Talwar told her \x93Dekho Hemraj Kya karke gaya hai\x94 (Look here, what has been done by Hemraj). When maid Smt. Bharti went in Aarushi\x92s room she saw that dead body of Aarushi was lying on the bed and covered with a white bed sheet and her throat was slit.* (Emphasis supplied)

Comment: I was so surprised at the finding reached by the court that I read the above testimony five times, and even now I am trying to convince myself that I am reading the above testimony wrongly, so I have blinked my eyes several times, and, accidentally, I also know a little bit of French, so the portion highlighted above is not \x93French\x94 for me. Though, I would agree *x93Mise en Crime*x94*, *\x93Beaut Damsel\x94*, *\x93Dramatis Personae\x94* did put me in doubt for a while. Bloody hell! The door was

found latched from outside by the maid servant in the morning!

Comment Dt. 25.09.2015: Well\x85after reading Avirook Sen\x92s book, it has now become clear that the grill door and the mesh door were not together but separated from each other by a passage. The mesh door in fact shared frame with the wooden door inside. And the door in servant\x92s room opened in the passage between the mesh door and the grill door. The judgment has wrongly used the phrase \x93outer grill/mesh door\x94, which made me misread the facts. So, the relevance of Bharti Mandal\x92s testimony is that the grill door was locked from inside the first time she came, and the next time when she came up after fetching the keys, the grill door was unlocked but the mesh door was latched from outside, which she opened and came inside, leading to an inference that Nupur Talwar manipulated locks/latches of the grill door and the mesh door while Bharti Mandal was fetching the keys. The only counter argument to this could be that the grill door might have been jammed; therefore Bharti Mandal couldn\x92t open it the first time. I don\x92t know whether the prosecution or the defence evidence create enough doubts in this respect. Anyways, here I am only highlighting the manifest errors, not ordinary errors, of law/fact. The relevance of Bharti Mandal\x92s testimony lies in shifting of onus on Talwars u/s 106, the Evidence Act. However, I still maintain that the prosecution has not proved beyond reasonable doubt that Hemraj was murdered inside the flat or brought into an unconscious state inside the flat.

Another strong finding in support of shifting the onus is that the murder happened inside the flat, in which the rooms were separated by a partition wall, and at least one amongst Nupur Talwar and Rajesh Talwar was awake all night using internet broadband, so the commotion should have been heard. The usage of 45 KB at 2 AM and 3 KB at 6 AM has been found in the internet log (pg. 134). The defense argument of the usage being accounted for by myriad reasons has been countered by shifting the onus on Talwars u/s 106 Evidence Act (pg. 137).

Comment: This is incredible! Somebody asking you to account for 3 KB and 45 KB usages just because you own and possess the router! Any novice will tell that if a router is left open without any activity, it may download or upload 3 KB of data of its own without any triggered activity; 3 KB and 45 KB usages are so negligible that they can just be ignored. Common sense, please!

Another reason attributed for shifting the onus is the establishment of the motive. On the basis of the postmortem reports of Aarushi and Hemraj, showing whitish discharge sans spermatozoa in Aarushi\x92s vagina and swollen penis of Hemraj, clubbed with the DNA matching of the pillow cover in Aarushi\x92s room and the palm print impression on the terrace wall, it has been held that Aarushi Talwar and Hemraj have had intercourse.

Comment: This is nothing but arbitrary finding. Enough expert evidence was laid to show that the whitish discharge sans spermatozoa could mean an internal discharge but not a discharge from any outside source; however, the same has been discarded giving some fancy explanations: The lack of spermatozoa could be because of vasectomy surgery; the doctor couple might have erased the evidence of sexual intercourse; etc. The expert evidence attributing swollen penis of Hemraj to purification has been completely ignored with a statement, *x93Be that as it may, the fact remains that the penis of Hemraj was found swollen at the time of postmortem examination of his dead body.*x94* What is this if not arbitrariness! What! Somebody said bias!

I won\x92t comment on the DNA reports because there is already lots of contention on this issue with the defense contending that the clarification statement issued by the prosecution that the pillow cover, earlier mentioned as the one recovered from Hemraj\x92s room, was wrongly so mentioned, and it was actually the pillow cover of Aarushi, is unacceptable and was falsely introduced with ulterior motives. Let it be contested.

To be very frank, this judgment is full of ridiculous discrepancies; I am not getting into the discussion of the evidence in detail; however, I am sure this judgment will be shattered left, right and centre by the defense counsels in the High Court. I don\x92t intend to indulge in this infructuous exercise here. However, I am reproducing some glaring examples of arbitrariness in the judgment below.

(Pg. 101-102)

> *It is pertinent to mention here that before 16.05.2008 they have hardly made telephone calls to each other and thus it is fully established that they were in contact with each other* ***regarding non disclosure of factum of sexual intercourse in the postmortem examination report of Ms. Aarushi****. Dr. Sunil Kumar Dohre has also stated that when he was on way*

to postmortem examination room then Dr. Dinesh Talwar gave him a cell-phone and told him to talk with Dr. T.D. Dogra of A.I.I.M.S. Although, Dr. Dohre had only stated that Dr. T.D. Dogra had told him that blood samples of the deceased Aarushi be taken ***but it appears that Dr. Dogra had asked him not to mention in the postmortem examination report about the evidence of sexual intercourse and this fact has been deliberately suppressed by Dr. Dohre.*** (Emphasis supplied)

Comment: 1) No fact proved to draw the inference of contact in regard to disclosure of factum of sexual intercourse. 2) The arbitrary presumption made about the suppression of facts, without any base facts.

(Pg. 120)

The evidence of Dr. Sharma is not reliable because he has displayed in his website that \x93lawyers can have our services for their clients for better interpretation of scientific evidence against or for their clients\x85..\x85....\x94 ***Thus it becomes clear that he gives report in favor of the person from whom he charges fees irrespective of the merit of the case.*** (Emphasis supplied)

Comment: This should mean that the State appointed medical practitioners should give reports in favor of the State from whom they get salaries! Fantastical arbitrary presumption!

(Pg. 123)

P.W.-39 Mr. A.G.L. Kaul has deposed that Mr. Ajay Chaddha has sent an e-mail to him intimating therein that one golf stick was recovered by him and Dr. Nupur Talwar from the attic opposite to the room of Ms. Aarushi during cleaning of the flat*\x85..\x85...Both the accused have stated in their examination under section 313 Cr.P.C. that Mr. Ajay Chaddha has not sent any e-mail on their behalf which cannot be believed in the face of the statement given by P.W.-39. P.W.-31 Mr. Hari Singh has stated that Mr. Ajay Chaddha is a relative of Talwars.* ***Mr. Ajay Chaddha has not been produced to rebut the evidence of P.W.-31 and P.W.-39.*** (Emphasis supplied)

Comment: The arbitrary presumption made contrary to Sec 88 A of the Evidence Act, which doesn\x92t allow any presumption to be made of the person who sent the electronic message.

(Pg. 137)

> *It is established that in the night of 15/16.05.2008 internet was used throughout the whole night intermittently and the accused were awaken. It should be borne in mind that both the accused are acquainted with the internet functioning and therefore,* ***they may have continued with the start and stop activity of internet router till 13:11:44 hours on 16.05.2008*** *with intent to confuse and camouflage the investigating agency as also to create evidence in their favour.* (Emphasis supplied)

Comment: Enough evidence in the judgment itself to prove that the couple were not using the internet but were attending to the death of Aarushi and to the police investigation. The arbitrary presumption made without any base facts.

(Pg 138- 139)

> *He has categorically stated on oath that when on 16.05.2008, when he was returning to his residence after morning walks and came near the curve of sector-25 N.O.I.D.A. then saw the presence of police and government vehicles there and thought that there is some problem of law and order and therefore, he went inside sector-25 where he gained knowledge that a murder has been committed in flat no. L-32, Jalvayu Vihar and therefore, he reached there at about* ***7.30-7.40 A.M****. and went inside the room of Ms. Aarushi where she was found dead and her dead body was covered with a white sheet, her trouser was just below the waist\x85..\x85..\x85..His evidence cannot be castigated that stadium in sector 25 N.O.I.D.A. is* ***about 28 km. away from his residence*** *and it is not possible to come for morning walks after covering such a long distance. He has assigned reasons for taking morning walks in the N.O.I.D.A. Stadium by stating that during those days Greater N.O.I.D.A. was not developed and keeping in view the nature of his job, it was not safe for him to have morning walks there.* (Emphasis supplied)

Comment: The sun rises in the summers at 6.00 am, and, by 7.00 am, it is hot enough to do morning walk any more. What was he doing for half an hour in the stadium, given his residence is 28 km away from the stadium, and it would have taken him some good time in reaching his residence and then getting ready for the job? Failure to ascertain the facts correctly, and thus the arbitrary finding reached!

(Pg 151-152)

> *[W]hile Dr. Mohapatra has stated that DNA profile found from the bottle was a mixed partial profile of male and female origin which were consistent with the profile generated from the blood stained palm prints and Exhibits like bedsheet, mattress and pillow-cover collected from Ms. Aarushi\x92s room but P.W.-25 S.P.R. Prasad on analysis of extracts generated by Dr. Mohapatra from the said bottle found DNA profile of only male which matched with the profile of the blood stained palmprint and other profiles belonging to deceased Hemraj. If Dr. Rajesh Talwar had consumed neat liquor from its mouth then in that eventuality the saliva and DNA of Dr. Rajesh Talwar must have come in contact with the mouth of the bottle but no DNA could be found on it and therefore, this circumstance as relied upon by the prosecution is liable to be disbelieved.* ***The aforesaid arguments do not appeal to the reason and therefore, liable to be rejected.*** (Emphasis supplied)

Comment: If this doesn\x92t appeal to reason, what does appeal!

(Pg. 165)

> *The evidence of K.K.Gautam that on examination of the room of Hemraj it was observed that three persons might have been sitting in the bed as there were depressions on the bed and in the two glasses substance like alcohol was seen and it seemed that toilet of Hemraj had not been flushed and more than one person had urinated in the toilet hardly inspires confidence as this statement is based on surmises, conjectures and speculations. It is not possible at all that in the midnight around 12.00 O\x92Clock Krishna, Rajkumar and Vijay Mandal will come to the room of Hemraj and have liquor drinks.* ***If it was so, four glasses might have been found there but K.K. Gautam has stated before the I.O. that in only two glasses substance like alcohol was seen*** *which has not been confirmed by any other evidence.* (Emphasis supplied)

Comment: For goodness sake, the people were not drinking Scotch in a five star bar but Sula in a servant\x92s room. Complete lack of empathy for the practical realities of life, and the arbitrary finding reached thereby!

(Pg 166)

The accused Dr. Rajesh Talwar has admitted at page no. 2 of his written statement under section 313 Cr.P.C. that he and his wife have been brought up in a very liberal atmosphere with modern outlook and at page 3 he has stated that he takes alcohol at parties. However, at page no. 4 of his written statement he has stated that whisky bottle should have been ordinarily in the cabinet. This answer itself suggests that Dr. Rajesh Talwar is fond of liquor and he used to take liquor in his flat as he himself has admitted that whisky bottle must have been in the cabinet and not in the dining table and therefore, there is every possibility that whisky was taken by the accused Dr. Rajesh Talwar. ***It is also possible that whisky bottle might have been lifted after wearing gloves. It is also possible that Sula wine may have also been taken by the accused when he was extremely and intensely in tension after committing the crime*** *or it was partly made empty to show that Hemraj and his friends had consumed the liquor.* (Emphasis supplied)

Comment: Dr Rajesh in tension doesn\x92t forget to wear gloves but consumes Sula wine!!! Fantastical arbitrary presumption!

(Pg 169)

It is also possible that before going to sleep Dr. Nupur Talwar might have changed her gown which she was wearing at the time of taking pix from digital camera. *As stated herein before, being mother of the child it is not possible that on seeing her child dead she would not have hugged her. During hugging certainly, the gown of Dr. Nupur Talwar must have also been blood stained but no blood was found, which clearly shows that she had changed her gown or other night-garment, which she was wearing in the night.* (Emphasis supplied)

Comment: People don\x92t change gowns before going to sleep rather they wear gowns before going to sleep unless they pre-plan murders, which is certainly not the prosecution theory. Fantastical arbitrary presumption! © 2013-2015 Ankur Mutreja

Chapter 3.5.2: 2G Judgment: Do We Finally Have \x93Due Process of Law\x94 Now?

(August 2012)

I was waiting for this day. Article 14 of the Indian Constitution has always enamored me. The equality, enshrined under Article 14, can be ensured in two ways: first by challenging the law/policy/action of the State on the principle of \x93intelligible differentia\x94 and \x93rational nexus\x94 \x97 but that\x92s not where the real fun lies \x97 and secondly by invoking procedural fairness. After the **Maneka Gandhi Judgment** (Re: Maneka Gandhi v. UOI, 1978 AIR 597, 1978 SCR (2) 621; download the judgment from http://indiankanoon.org/doc/1766147/) (actually even before that), a new concept of procedural fairness was introduced through out the constitutional scheme of Part III of the Constitution including Article 14, 19 and 21, but it was limited only to arbitrary decisions of the Executive not touching upon policy decisions and/or delegated legislation unless there is manifest arbitrariness. In other words, we have procedural fairness, but not the \x93Due Process of Law\x94; and, thus, the law can\x92t be challenged under Article 14 or 21 of the Indian Constitution for its mere arbitrariness. Now let us see what this **2G Judgment** (CPIL v. UOI, Writ Petition (civil) no. 423 of 2010 in the Supreme Court of India; download the judgment from http://supremecourtofindia.nic.in/outtoday/39041.pdf) has done.

The crux of this Judgment lies in Para 79, where the Hon\x92ble Supreme Court notes as under:

> *We are also conscious of the fact that the Court should not interfere with the fiscal policies of the State. However, when it is clearly demonstrated that the policy framed by the State or its agency/instrumentality and/or its implementation is contrary to public interest or is violative of the constitutional principles, it is the duty of the Court to exercise its jurisdiction in larger public interest and reject the stock plea of the State that the scope of judicial review should not be exceeded beyond the recognized parameters.*

The only constitutional principle in challenge in the case was that of the equality principle under Article 14 of the Indian Constitution. There was no challenge on the basis of \x93**intelligible differentia\x94** and \x93**rational nexus\x94**; the

challenge was, in fact, to the TRAI\x92s policy recommendations indirectly and to the manner of its implementation by the DOT directly. The Hon\x92ble Court, in Para 74 of the judgment, has gone to the extent of recording a finding that the TRAI\x92s policy recommendations were flawed on the principles of equality, which is unprecedented. Finally, the Court has found that *\x93the exercise undertaken by the officers of the DoT between September, 2007 and March 2008, under the leadership of the then Minister of C&IT was wholly arbitrary, capricious and contrary to public interest apart from being violative of the doctrine of equality\x94*; though the de-jure result of the judgment is the quashing of licenses issued pursuant to the press releases issued on 10.1.2008, but the de-facto result is the quashing of the policy recommendation of the TRAI. The above, in fact, means that a policy decision of the government can be challenged indirectly on the principle of \x93due process of law\x94, especially if it is against larger public interest. Applying the same logic, the law laid down by the Parliament can be challenged if the parliamentarians fail to **appropriately consider** the arbitrary recommendations of the standing committee. Here \x93appropriately consider\x94 would mean procedural regularity; i.e., if the Parliament passes an arbitrary legislation recommended by the standing committee with in a few minutes by voice vote without enough deliberation, then, well, it can be challenged because the parliamentary privileges are not above constitutional rights; and when a conflict would arise between the two, i.e. the parliamentary privileges and the constitutional rights, it will have to be resolved by harmonious construction principle vide **Special Reference No. 1 of 1964** (AIR 1965 SC 745; download the judgment from http://indiankanoon.org/doc/1481910/); and harmony, in such circumstances, will always lie in favor of the larger public than a few parliamentarians. In a way, we have a kind of \x93Due Process of Law\x94 now. © 2012-2015 Ankur Mutreja

Chapter 3.5.3: Baba Ramdev Judgment: Right to Privacy of Sleep against Private Persons (?)

(March 2012)

The **Baba Ramdev Judgment** (Re: Ramlila Maidan incident dt.4/5.06.2011 v. Home Secretary, UOI & ors, *suo motu* Writ Petition (criminal.) no. 122 of 2011 in the Supreme Court of India; download the judgment from https://docs.google.com/file/d/0B3C_zx4dsPdWZ3ljb0x6ZWRSZGFlNnFVbkFjZ pli=1), is basically a judgment on the legality of implementation of *ex-parte* order dt. 04.06.2011 passed by the ACP, Kamala Market, Central Distt., Delhi, u/s 144 CrPC. However, the judgment by Hon\x92ble Justice B. S. Chauhan is also a primer on the Right to Privacy u/a 21 of the Indian Constitution. The judgment has very clearly identified the Right to Privacy of Sleep as a Right to Not Being Disturbed while Asleep, wherever and whenever; however, it is not the right to fall asleep, wherever and whenever.

This judgment could have had wide ramifications but only if it was enforceable against private persons \x96 I would have loved it being enforced against the \x93Big Bosses\x94. However, there is still hope.

The main problem arises because of an old SC judgment in **Vidya Verma\x92s case** (Re: Vidya Verma\x92s through next friend R. V. S. Mani v.Dr. Shiv Narain Verma, [1955] 2 SCR 983), in which, while referring to the **A. K. Gopalan Judgment** (Re: A.K. Gopalan vs The State Of Madras, 1950 AIR 27, 1950 SCR 88; download the judgment from http://indiankanoon.org/doc/1857950/), it was held that the rights u/a 21 of the Indian Constitution are not enforceable against private persons; the logic was that, since \x93law\x94 in India means the State made \x93positive law\x94, not the law in abstract, the use of word \x93law\x94 in Article 21 can\x92t make Article 21 enforceable against anybody but the State.

However, the conception of \x93law\x94 has changed over time. In the **Maneka Gandhi Judgment** (Re: Maneka Gandhi v. UOI, 1978 AIR 597, 1978 SCR (2) 621; download the judgment from http://indiankanoon.org/doc/1766147/), Hon\x92ble Justice Krishna Iyer has clearly held the \x93law\x94 to mean the wider \x93natural law\x94 (i.e. \x93dharma\x94) and not just \x93positive law\x94. However, the majority judgment has opined that only the \x93procedure\x94 established by \x93law\x94 needs to be non-arbitrary,

deriving the basis from the procedural fairness guaranteed u/a 14 of the Indian Constitution; the procedural fairness of Article 14 was found to be applicable in Article 21 as well; or, in other words, the two articles were found to be existing as part of the same continuum, and not in isolation. But, soon thereafter, vide 44th amendment of the Constitution, Article 21 was put up at a higher pedestal; it was provided that the power to suspend the right to move the court for the enforcement of a fundamental right during emergency cannot be exercised in respect of the Fundamental Right to Life and Liberty guaranteed u/a 21 of the Constitution; this means that the continuum as propounded in the **Maneka Gandhi** judgment was overruled by implication, or, in other words, the majority judgment in the **Maneka Gandhi\x92s** case was overruled by the Parliament; and the only judgment that remains now to ensure procedural fairness u/a 21 is that of Hon\x92ble Justice Iyer, but Hon\x92ble Justice Iyer\x92s judgment not only ensures procedural fairness but also non-arbitrary law, i.e. the \x93Due Process of Law\x94. There are many judgments after the 44th amendment wherein the procedural fairness u/a 21 has been upheld by the Hon\x92ble Supreme Court, which means Hon\x92ble Justice Iyer\x92s judgment has been applied \x97 majority judgment can\x92t be applied for the reasons stated above.

In the above premises, the right u/a 21 is available against private persons as well because the old notion of \x93law\x94 being the State made \x93positive law\x94 has been clearly replaced by Hon\x92ble Justice Iyer\x92s judgment in **Maneka Gandhi\x92s** case, as applied by the Hon\x92ble Supreme Court in many subsequent cases. If not, all the judgments in which procedural fairness u/a 21 has been upheld by the Hon\x92ble Supreme Court after the 44th amendment, are illegal and void; or, in other words, it can lead to unbearably absurd situation which is against the rules of interpretation, so the only interpretation is that \x93law\x94 as occurring in Article 21 means \x93natural law\x94 and not just \x93positive law\x94.

I started my adventure into law with this puzzle 7 years ago, but, at that time, couldn\x92t convince the Supreme Court. But, it seems, the position has not changed till now, with the latest case being that of Ratan Tata. I hope somebody will change it. © 2012-2015 Ankur Mutreja

Chapter 3.5.4: Aruna Shanbaug Judgment: A Critique

(March 2011)

Para 1

The Supreme Court has apparently decided this case under its writ jurisdiction u/a. 32 of the Indian Constitution in a **Criminal Writ Petition** filed before it. The criminal law in India is very clear: Any act (which includes omission) done with the knowledge that the act would cause death of a person amounts to culpable homicide/murder; and, by implication, any person doing any such act (omission) unto himself would amount to suicide. The SC, earlier in **Gian Kaur\x92s case** (Re: Gian Kaur vs. State of Punjab, 1996(2) SCC 648; download the judgment from http://indiankanoon.org/doc/217501/), has held that Right to Life doesn\x92t include \x93Right to Die\x94 (including right to dignified death). Therefore, the SC, in Para 4 of the **Aruna Shanbaug judgment** (Re: Aruna R. Shaunbaug v. UOI, Writ Petition (criminal) no. 115 of 2009 in the Supreme Court of India; downloaded the judgment from http://indiankanoon.org/doc/235821/), has very clearly stated that the case could have been dismissed on a short point that there is no case made out for the violation of fundamental rights. However, vide Para 98 of the judgment, the SC has also stated that, earlier in **Gian Kaur\x92s case,** it has approved of the decision in **Airedale\x92s case** (Re: Airedale vs. Director MHD, (1993) 2 WLR 316) to the extent that \x93euthanasia could be made lawful only by legislation\x94. Thereafter, in the **Aruna Shanbaug judgment**, the SC has laid down guidelines in the cases of passive euthanasia, deriving precedence from the **Vishaka judgment** (Re: Vishaka and others v. State of Rajasthan and others, (1997) 6 SCC 241, AIR 1997 SC 3011, (1998) BHRC 261, (1997) 3 LRC 361, (1997) 2 CHRLD 202; download the judjment from http://indiankanoon.org/doc/1031794/).

Para 2

From the above, the view of the SC with respect to the legality of \x93Right to Die\x94 u/a. 21 of the Constitution is not clear. If the answer is in affirmative with respect to the legality, the **Aruna Shanbaug judgment** is apparently legal **(?)**, and, by ramification, the relevant section/s of the IPC stand quashed/modified. However, if the view of the SC is in negative with respect to

the legality, the judgment may be deemed legal only u/a. 142 of the Constitution, but this view is amenable to challenge as Article 142 may not grant new original jurisdiction to the SC.

Para 3

So, what has the Supreme Court done? Well, it has referred to the **Airedale decision** and got extra-ordinarily **persuaded** by it. The **Airedale decision** has recognized the common law rights of self-determination and informed consent, which, simply speaking, means that a patient with the knowledge of his death in absence of treatment, nevertheless, has a right to make a decision and give an informed consent thereof to not to be treated of the ailment and thus thereby omitting to take treatment for the ailment. The SC has, interestingly, restrained itself from discussing the case of a person with the knowledge of his death in absence of food intake, nevertheless, omitting to take food. The two cases have glaring similarities, and I wonder how a decision can be taken on the first case without discussion on the second case. I think the SC has got extraordinarily persuaded by the **Airedale decision** with respect to the view that in a case when the patient omits treatment, there is no question of the patient committing suicide, nor, therefore, of the doctor aiding or abetting suicide. I think the Indian Criminal Law is clear on this aspect: Anybody found guilty of withdrawing treatment to self with the knowledge of imminent death thereof but not actually dead is, nevertheless, guilty of attempt to commit suicide u/s. 309 IPC. So, the SC judgment in this case has, by implication, quashed/modified s. 309 and s. 306 IPC.

Para 4

Now, I will refer to my question mark in Para 2 above. This judgment is legal only if the SC has not overruled the **Gian Kaur judgment** while quashing/modifying s. 309 and s. 306 IPC but has only distinguished the **Gian Kaur judgment** in those cases when a person with the knowledge of imminent death in absence of treatment, nevertheless, omits treatment to self, for the **Gian Kaur judgment** was a larger bench judgment. However, I say that the SC has not even distinguished the earlier **Gian Kaur judgment** as neither is there anything in the judgment suggesting the same nor was there any circumstance requiring the same. So, in fact, the SC has laid down guidelines contrary to the precedent in the **Vishaka judgment**. In the **Vishakha judgment**, the precedent is that in those cases where there is a legislative vacuum in absence of a domestic codified law but, however, exists a non-codified domestic law in form

of a harmonious international law, appropriate guidelines can be formulated by the SC by interpreting the said non-codified domestic law in order to fill the legislative vacuum; it would be a stop-gap arrangement to provide clarity to the citizens with respect to the existing law of the country, but it is not creation of law by the SC. However, in this case, the SC has, without overruling/distinguishing the earlier codified domestic law on the subject of passive euthanasia and attempt to suicide, created a new law in derogation of the existing codified domestic law, on the basis of the persuasive value of the international common law precedent in **Airedale\x92s case** \x97 the common law precedent had no authoritative value.

Para 5

In other words, the SC judgment in **Aruna Shanbaug\x92s case** is without jurisdiction, and the people relying on it would be doing so at their own risk of being convicted of abetment of suicide or of attempt to suicide. **At least if I come across any such case, I will immediately file a police complaint.** © 2011-2015 Ankur Mutreja

Chapter 3.5.5: Binayak Sen Judgment: A Critique

(December 2010)

At the outset, let me state that the judgment delivered in the **Binayak Sen\x92s case** (Re: Chhattisgarh Government v. Pijush (Piyush) alias Buboon Guha & Ors, Session Serial Number 182/2007 in the court of Second Additional Sessions Judge, Raipur (Chhattisgarh); download the judgment from http://www.binayaksen.net/2010/12/judgement-english/) is exceptionally bad. A full book can be written on it. However, I will discuss the most important angle of Section 120B IPC; i.e., the criminal conspiracy held to be proved against Binayak Sen. He has been held guilty under Section 124A IPC read with Section 120B IPC for conspiring with Narayan Sanyal and Pijush Guha in spreading hatred against the State vide certain letters held to be written by Sanyal and held to be found in the possession of Guha and held to be couriered by Sen from Sanyal to Guha, and vide various other documentary materials found to be in possession of Sen and Guha. Out of the above, the letters written by Sanyal are the biggest bone of contention because other material *per se* may not stand the test of **the Kedarnath judgment** (Re: Kedar Nath Singh vs State Of Bihar, 1962 AIR 955, 1962 SCR Supl. (2) 769; download the judgment from http://indiankanoon.org/doc/111867/).

Vide Para 112 of the judgment, the conspiracy has been proved by two set of facts: first by the fact of movement of letters from Sanyal to Guha via Sen, and secondly by pre-existing relationship between Sanyal and Sen. Out of these, Sen acting as a courier is the real bone of contention as existing relationship *per se* doesn\x92t mean anything; criminals have every right to undertake perfectly legal activities of getting married, opening bank accounts, renting houses, taking up teaching jobs, etc., and can seek help from non-criminal persons for the same.

As far as the fact of Sen being a courier of Sanyal is concerned, it has been proved by two types of evidence: First by the circumstantial evidence of meetings between Sen and Sanyal in the jail linked with the forensic evidence of the letters written by Sanyal found in the possession of Guha, and secondly by the corroborative evidence of the witness of Anil Singh, who heard Guha stating it in the presence of the police officer that the said letters were delivered by Sen to Guha. Vide Para 16 of the judgment, the objection of the defense counsel to the inclusion of the statement of Anil Singh with respect to the statements made by Guha in presence of the police as being inadmissible, has been overruled

finding the same to be relevant evidence under Sections 8, 10, 17 and 21 of the Indian Evidence Act. Here, the evidence found relevant under Section 10 is important. The evidence found relevant under Sections 17 and 21 is inadmissible as the statement by Anil Singh about the admission of Guha convicting Sen is hearsay evidence. The evidence found relevant under Section 8 is inconsequential without the evidence proving the main facts. So, the evidence found relevant under Section 10 is the only relevant evidence. But, the evidence under Section 10 is admissible subject to the proof of the *prima-facie* conspiracy. But, in the above judgment, the fact of Sen acting as a courier has been used as a main fact to prove the \x93Unity of Mind\x94 vide Para 112 of the judgment. And, as already stated, the evidence led to prove pre-exisiting links between Sen and Sanyal and Sen and others don\x92t prove any pre-existing conspiracy.

Moreover, vide Para 27 of the judgment, the linkage of Guha with Naxals has been proved on the basis of an FIR, and no other evidence has been produced. This once again is a very weak evidence of the involvement of Guha in Naxal activities. Rather, the proof against Sanyal is also very weak: Most of the evidences against him are the general opinions, not factual statements, of the police officers about his involvement in Naxal activities and/or Naxal groups, and thus they are inadmissible. The strongest evidence against Sanyal is that of some intelligence report prepared by the AP police, but nothing much has been said about it in the judgment; i.e., whether the facts mentioned in the report were proved by the examination of the investigators, etc. BTW, the announcement of award against Sanyal by the AP Government is no proof of his involvement in Naxal activities. Evidence against Sen is the weakest, all of it being either hearsay evidence or opinions.

So, when the prosecution has not even proved the involvement of Sanyal and Guha in Naxal activities, where is the question of any conspiracy? Subject to the belief in the finding of the Judge that the affidavit filed by the prosecution in the Supreme Court was a genuine typological mistake, the letters written by Sanyal have been proved. It is also true that Guha has not been able to prove the bonafide source of possession of the letters. But, the prosecution has not been able to arrange the missing links. It seems Sanyal\x92s name has been added to somehow solve the puzzle, and the story has turned out worse than a third-grade Bollywood movie.

Seriously bad judgment! I empathize with Ilinia Sen when she says that the judgment would have been ridiculous if it had not happened to them. After

reading this 92 page judgment, that too in Hindi, I am amused at the state of affairs in this country but at the cost of several lives lost in prisons. **What has happened to my sense of humor?** ©2010-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 3.6: Legal (Laws)

Chapter 3.6.1: Right to Information: A Review

(June 2013)

Application Processing and Fees

The RTI Act provides for charging of the fees under three sections: Section 6(1), Section 7(1) and Section 7(5). I am surprised that till date the government has not laid down any rules for the collection of fees u/s 7(1) \x97 this is not the same as initial application fees of Rs. 10 charged u/s 6(1). Of course, the fee charged u/s 6(1), the RTI Act is ludicrous: A single communication to an applicant leaves the government short. Further, I have serious problems with the payment of initial application fees of Rs. 10 *per se*. It just doesn\x92t serve any purpose except for creating bureaucratic hurdles and wasting time. Much better would be to accept the RTI requests via e-mail or directly on the websites sans any initial fees and to ask for the processing fees u/s 7(1) later on if the application is found worth processing. This intimation about processing or non-processing of the applications can be sent to the applicants via e-mails and SMSs and can also be put up on the websites within a week\x92s time or lesser. Of course, at the same time, a person can be given a choice to file the initial application offline along with an adequately stamped self-addressed envelope.

The PIO

The PIO has been projected as a friend under the RTI Act, i.e. Section 5(3), but that is precisely what he has not emerged as; he has rather emerged more as an adversary, and that\x92s the reality! I think those PIOs who fail to understand their responsibilities under the RTI Act should be given harsh punishments at the instance of the applicants, but I am sorry to say that the faulty CIC proceedings endorsed by the Higher Judiciary has turned the CIC into a cozy club of senior bureaucrats protecting their junior counterparts: How can the CIC conduct penalty proceedings u/s 20 all of its own without presence of the applicants!

Appeals

The first appeal is a farce, and it just wastes time: No FAA ever overturns the decision of the PIO; in fact, in many offices (like in that of the DP), the PIOs themselves prepare the FAAs\x92 orders, and the FAAs sign them as routine bureaucratic exercises. First appeals are useless. Period!

Second appeals are very slow. I fail to understand when a time limit has been

fixed up for the disposal of the first appeals, then why not a time limit for the second appeals as well? When will they understand that delay is the deadliest form of denial! It takes six months to get the first listing in the CIC in the normal course, which is ridiculous, and still there is no provision for urgent hearing except for the senior citizens. I think the normal Judiciary works far more efficiently than the CIC: At least they grant urgent interim orders.

Orders

The CIC don\x92t understand evidence. I have read many orders of the CIC and have found many of them wanting in following the fine rules of evidence and NJ. At times, they go overboard, but, at others, they falter badly. For example, in the recent decision of the CIC on political parties, the CIC unnecessarily issued notices to the L&D department when they could have just asked them to produce the necessary documents; however, at the same time, they made an arbitrary generalized assumption that the political parties receive substantial amount of funding from the government and, in consequence, put up the onus on the NCP to prove that the subsidized land and the other concessions they got from the government did not form a substantial part of their funding. When the matter goes before the HC, this one procedural irregularity may lead to an unnecessary advantage to the political parties in an otherwise pro-people order. The CIC could have easily asked the political parties to render accounts, with or without an application for the same on behalf of the applicants, and that would have made the proceedings regular. Surely, there is a strong need for the inclusion of judicial members in the CIC. © 2013-2015 Ankur Mutreja

Chapter 3.6.2: Justice Verma Committee's Proposed Amendment to IPC: Critique and More

(March 2013)

Critique

My critique of the amendment proposed in the IPC by Jusitce Verma Committee (Re: Appendix 4 at http://www.thehindu.com/news/resources/full-text-of-justice-vermas-report-pdf/article4339457.ece) :

Section 100: S 326A is not only grievous hurt; \x93which shall include\x94 creates confusion about the intention of the Legislature; the courts may misinterpret the provision to allow this defense even in those cases where no case for the apprehension of grievous hurt is made out.

Section 166A: Five year punishment is draconian.

Section 166A (c): \x93Record\x94 needs clarification. Is it only an entry into the book as specified or a recording in any other form will also do?

Section 354: 5 year rigorous punishment for touching inappropriately is draconian and grossly impractical. People will stop traveling in public transport.

Section 354A: No rigorous punishment for attempt to disrobe a woman in public place! No separate offense for actually disrobing a woman! No separate offense for creating videos or in any other manner recording the act of disrobing a woman! No separate offense for publishing the records so created! No separate offense for disrobing or attempt to disrobe or creating records or publishing record with respect to a man!

Section 354B (explanation): Is viewing an offense or is dissemination an offense?

Section 354B: No separate offense for creating records without consent! No separate offense for dissemination/publication of records so created! No separate offense with respect to sexual acts of men!

Section 354C(1): \x93monitors\x94 is very wide. Does it include even monitoring without use of any intruding programs, i.e. without any hacking. If yes, then I am LOL \x97 BBye.
Section 354C(1)(iii): What is \x93reasonable\x94? Is spying by recruitment agencies or recruiters reasonable? I think it is not. Am I being reasonable!

Section 370 (7), section 376D and section 376E: Does \x93rest of that person\x92s natural life\x94 means overriding s. 55 IPC?

Section 375: I had much rather had it gender neutral; women can at least enter into fellatio without consent (as defined in the section or even otherwise) and even penetrate anus without consent. Can consent be for a particular act but not for another act in the same transaction? Can consent be in writing for a specified period for all or some acts? The differentiation between Sexual Assault and Rape, as proposed, is important and welcome.
Section 376(3), section 376B(2) and section 376C: Does \x93rest of that person\x92s natural life\x94 means overriding s. 55 IPC? If not, then there is a serious contradiction as s. 55 will not apply to 20 year punishment.

Making all offenses against women cognizable and non-bailable is draconian and arbitrary. It will give arbitrary powers to the police, especially in minor offenses of voyeurism, stalking, and minor sexual assaults. Furthermore, all the offenses have also been made non-compoundable; I think many of these offenses can be made compoundable, either with or without the permission of the Court. There are mainly three viewpoints in Feminism: the Radical View, the Liberal

View and the Socialist View. The amendments proposed in the IPC in the report are greatly influenced by the Radical Feminism, which is a very negative sign. The Radical feminism *per se* is regressive and violent: It is the female version of right wing extremism. Moreover, the report is not even comprehensive in dealing with the offenses with respect to sexual privacy.

However, my biggest problem is the reverse gender bias that has been propagated in the report: disrobing, voyeurism, rape, etc, are gender neutral, and there is no reason to believe that the perpetrator can\x92t be a woman, and the victim can\x92t be a man. Not making the law gender neutral propagates the view that the women are inherently shy, and the law should protect their modesty; this is an irrational view and greatly responsible for the subordination of women; the proposed amendments propagate this view even further.

I feel there is a strong corporate influence in the preparation of this report; the corporate should just get out of this business of law making because they conduct their affairs most arbitrarily, and they just don\x92t understand the concept of equality and rationality \x97 this I can say from my personal experience.

I am deeply disappointed and give thumbs down to the amendments proposed in the IPC in the report.

The Government Ordinance

The Cabinet has cleared an ordinance with respect to amendments in the criminal law in reference to the Criminal Amendment Bill 2012 and the recommendations made in the Verma Committee Report. There are the following lacunae in the proposed ordinance:

1. Death penalty is regressive. If a victim is left in a vegetative state, it is his/her misfortune. He/She can take revenge by killing the perpetrator himself/herself, and, for doing that, he/she doesn\x92t need the help from the State; and, then, when the State punishes him/her and his/her accomplices for murder, he/she and his/her accomplices can plead lesser punishment for obvious reasons.

2. Section 354, section 354A and section 354B have not been made gender neutral. I fail to understand the difference between a man watching a woman naked or a woman watching a man naked. Both are voyeuristic unless the State wants to attach value to women\x92s modesty; ditto for sexual assault and disrobing.

3. I am completely surprised why the Justice Verma Committee has not made creation and/or dissemination of voyeuristic videos as offenses. These, by far, are much graver offenses. The ordinance also doesn\x92t provide for these offenses. Is it because the State and the power elites are themselves creating these videos to maintain the *status quo*! Most of these videos are created by the politicians, the police, the corporate and other influential people, almost for ages now. In the US (may also be in India), the corporate install stealth cameras in washrooms, and, when caught, they say it was being done in organizational interest as corporate spies deliberate strategies in washrooms. Now, even student hostels have started installing these cameras with the approval of the parents in pretext of protecting the students. Of course, the elites, who have never been caught and will never be caught, will keep seeking entertainment through these videos, and the common man will be punished for watching them \x97 it\x92s like saying those who manufacture and trade in drugs will not be caught, but those who do drugs will be punished. Now, the videos have started getting circulated in masses through Torrentz, Youtube and what ever else, and the videos are also leaked by these power elites for punishing those who don\x92t follow their dictates. It is clear where these recommendations are coming from; ditto for disrobing.

Marital Rape

There is lots of debate about marital rape. Personally, I am in favor of making it an offense because it would be progressive. But, there is a very strong pre-condition for doing that: The personal laws of all religions need to give way to a religion neutral uniform civil code, which wouldn\x92t provide for restitution of conjugal rights, which means that the marriage will cease to be a sacrament as in Hindu law and a one-sided contract as in Muslim law, and the courts will acknowledge the restitution of conjugal right as an infringement of Right to Privacy. I don\x92t see it happening any soon because society has not yet reached that kind of maturity, and the personal matters are best left for a gradual change \x97 even the British couldn\x92t push English law in the personal affairs of the Indians.

Further, I believe, s. 497 IPC is a big hindrance: S. 497 IPC punishes adultery by an outsider male who infringes marriage and enters into an adulterous relationship with a married female without the consent of the husband; however, the reverse is not punishable; i.e., an outsider female who infringes the marriage and enters into an adulterous relationship with a married male is not an offender.

Though s. 497 has been included in chapter XX of IPC dealing with offenses relating to marriage, but the message is clear: It considers a married female as property of the husband, bound to have sex with him and him alone unless he consents to extra-marital affairs, and it is no provision to maintain the sanctity of marriage. This means if a married female doesn\x92t want to have sex with the husband, she can\x92t have sex at all except with a willing criminal. Marriage is an institution to propagate the association and institution of family; institutions are accepted form of procedures by the society for individual and group inter-relationships and are amenable to change and do undergo change, and the institution of marriage has in fact undergone change: No sane man believes his wife to be his property anymore. Adultery otherwise is a valid ground for seeking divorce, but, ironically, this provision resists a woman from seeking divorce because during the period of litigation she would be forced to live in celibacy, whereas the husband can keep having adulterous relationships at will: What can be more regressive than this! This is the most regressive provision in the IPC, which has been retained from the English law; the provision has been done away with in England, but it continues to be retained in India. **I fail to understand why no women group or the Verma Committee or the government itself hasn\x92t recommended its deletion.** © 2013-2015 Ankur Mutreja

Chapter 3.6.3: Section 66A, Information Technology Act, 2000 (India)

(November 2012)

I have no doubt whatsoever that the sole purpose of s. 66A IT Act is to intimidate the netizens from freely exercising their right to expression of speech. The provision is reproduced below:

> ***Punishment for sending offensive messages through communication service, etc.*** *(Introduced vide ITAA 2008)*
>
> *Any person who sends, by means of a computer resource or a communication device,-*
> *a) any information that is grossly offensive or has menacing character; or*
> *b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently makes by making use of such computer resource or a communication device,*
> *c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages (Inserted vide ITAA 2008)*
> *shall be punishable with imprisonment for a term which may extend to* ***three*** *years and with fine.*
>
> *Explanation: For the purposes of this section, terms \x93Electronic mail\x94 and \x93Electronic Mail Message\x94 means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message.*
>
> (Emphasis supplied)

The evil of the above provision lies in the punishment of three years. As per the first schedule to the CrPC, any offence under any other law than IPC carrying a punishment of 3 years or more is a cognizable and non-bailable offence. I say three year punishment has been deliberately kept to give power to the police to arrest without warrant. (Correction: the offences under the IT Act are not

governed by IT Act but by S. 77B, IT Act, as per which, S. 66A is cognizable and bailable offence.)

The offence u/s 66A(a) is ambiguous: It doesn\x92t specify whether the information should have been sent to a particular person/group or to the public at large. If it also includes the information sent to the public at large, then, undoubtedly, the only purpose of this provision is to curb the freedom of speech. Anything said or done will always be offensive to someone or the other; no test of reasonable man can be applied in this case because a reasonable man will also have his prejudices and will be offended by something which another reasonable man may not be. All the provisions of a similar character under the IPC link such offensive nature of information to some kind of ill-effect that they are likely to cause to the society like breach of peace, enmity between classes, religious hurt, hatred against the State, etc; s. 66A(a) doesn\x92t specify any such thing and is also a cognizable offence, and it is therefore a draconian provision to sub-serve the interest of the political and the elite class, which uses the police as its domestic servant.

Though s. 66A(b) also doesn\x92t specify whether it is intended for the information to the public at large or not, but the provision does specify the ill-effects, and also it specifies that the information should be false. However, I do think that the provision from the very look of it seems to be directed towards the ill-effects to individuals/groups, not the public at large; and, if so be the case, the people will have to wait for the courts to clearly interpret the provision unless the Parliament decides to amend it. S. 66A(c) is unambiguous and clearly punishes the ill-effects to the individuals/groups to whom the email communication is sent. I am not sure whether the principle of *ejusdem generis* can and should be applied while reading s. 66A(a), but, if applied, then s. 66A(a) would also be read down to mean any information that is grossly offensive or menacing to any individual or a group, but not to the public at large. If that be so, there is no reason whatsoever for making s.66A as cognizable and non-bailable offences. It is well known principle of criminal law that it doesn\x92t punish private injuries unless they attack the public consciousness. However, there are certain offences like that of defamation where the private injuries have also been made punishable under criminal law, but all such offences are non-cognizable offences, and it is rightly so as the police just can\x92t have any role to play in the case of private injuries. From whatever recent trend I am seeing in the application of this section, I can easily claim that the provision is being used

to punish those who point fingers on highly influential private individuals or groups (even when they are dead). It seems a provision has been created for the protection of the elite sections of the society from the wrath of the common people, and also it seems an Indian dream on the lines of the \x93American Dream\x94 has been created for the common people to aspire and enter the elite group, which will not only be the master of the courts and the police but also the law *per se* \x97 unfortunately, I have lost my power to dream because of the insomnia caused by s. 66A IT Act. © 2012-2015 Ankur Mutreja

Chapter 3.6.4: Jan Lokpal Bill: Technical Problems

(August 2011)

Given underneath are technical problems in the Jan Lokpal Bill 2011 downloaded from the website of India Against Corruption (Re: https://docs.google.com/file/d/0B3C_zx4dsPdWOGYxMWE3ZmEtZjNlNi00ZT pli=1):

Section 4(4)(b): As per this section, no person against whom charges were ever framed in any offence involving moral turpitude can become a lokpal. Section 509 and 510 IPC both qualify as offences involving moral turpitude; section 509 definitely does. Section 509 is a summons case, and it is not necessary to frame charge in a summons case vide section 251 CrPC.

Section 4(5) Explanation: People having legal knowledge through academic pursuits have not been included in the definition of \x93Legal Background.\x94

Section 4(21): Who will decide whether the association is likely to \x93adversely affect\x94? The provision leaves lots of scope for arbitrary decisions.

Section 6(c): The departmental disciplinary proceedings, which generally decide the fate of bureaucrats, are distinct and separate from the police investigations. This provision, it seems, is merging the two as, it seems, the section provides for decision making with respect to the fate of the bureaucrats, etc, on the basis of the police (lokpal) investigations. This is a clear case of conflict of interest and is also against the constitutional norms of \x93Separation of Powers.\x94 Also, the police investigations ought to be far more rigorous than the departmental enquiries; the two just can\x92t be merged. This will actually make the Lokpal weak as he will have to wait much longer before taking action.

Section 6(n): The attachment and confiscation of assets requires judicial decision making. Thus, this section is against the constitutional norms of \x93Separation of Power.\x94

Section 6(o): \x93Lokpal\x94 in this section should be restricted to the officers only as the \x93board\x94 or \x93bench\x94, equal to the Supreme Court in powers, can\x92t approach the High Courts. A clarification needs to be made.

Section 6(s): \x93Sentencing policy\x94 is a purely legislative function (can\x92t even be called delegated legislation); this is clearly against the constitutional

norms of \x93Separation of Power.\x94

Section 7(2) r/w Sec 9(3) r/w Sec 10(4): The power to produce documents under the CPC and the search warrant u/s 93 CrPC! Why not the production also u/s 91 CrPC! Evidence on affidavit, and the complaint in the form of an FIR! If it is a criminal complaint, then no evidence can be taken on affidavit; I know of an exception to the above rule only u/s 145 NI Act, and that\x92s, probably, because s. 138 NI Act is a legal fiction, but the complaints under the Lokpal Act, I believe, are not.

Section 7(7): Lokpal can investigate any other offence under any other law! So, can it prosecute too? If yes, the Lokpal will become a superman.

Section 7(8): Same as in Sec 6(o) above

Section 10(1): \x93Lokpal\x94 needs to be clarified here because \x93lokpal\x94 includes the \x93board\x94, the \x93benches\x94 as well as the \x93officers\x94 and the \x93employees\x94.

Section 10(2)(c): \x93[M]erits\x94! Does it include jurisdiction? I think it does not. So, would any decision passed by a lokpal without jurisdiction be valid? The answer is no because it would be void *ab-initio*. But, I think, I have made the point.

Section 11(5): Imprisonment of one year is too harsh. It will discourage complaints against the Lokpal.

Section 12: In **AIR 1997 SC 1125** (Re: L. Chandra Kumar vs Union of India, AIR 1997 SC 1125; download it from http://indiankanoon.org/doc/1152518/), the Supreme Court refused to accept the contention of the counsels that the Tribunals be bought under the superintendence of the High Courts; however, it allowed the review under Art 226 by a division bench. The Tribunal judges are equivalent to the High Court judges; however, a lokpal bench is equivalent to a bench of the Supreme Court; it\x92s unpalatable that a Supreme Court equivalent decision be reviewed by a High Court.

Section 20(3): Setting up of courts is a legislative function; the \x93binding recommendations\x94 means the usurpation of the legislative function.

Sec 22(1) to (4): The \x93binding recommendations\x94 with respect to the penalties is a purely judicial function. Such recommendations would be based on the enquiry conducted by the judicial officers appointed by the Lokpal on the evidence produced by prosecutors appointed by the Lokpal on the evidence

collected by investigators appointed by the Lokpal. So, the Lokpal would be running a parallel government appointing both the judicial and the executive functionaries. This is against both the \x93Independence of Judiciary\x94 and the \x93Separation of Powers.\x94 © 2011-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 3.7: Legal (Issues)

Chapter 3.7.1: Legal Aspects WRT to AAP Government Resignation

(February 2014)

The AAP Government has resigned because they couldn\x92t introduce the Jan Lokpal Bill in the Assembly. The hurdle was the message sent by the Lt. Governor to the Assembly u/s 9 of the GNCTD Act, 1991 (Re: https://drive.google.com/file/d/0B3C_zx4dsPdWSEpzeTk2clVRYkk/edit?usp=sharing). In his message, the LG clearly stated that the Bill was not sent to him for his prior consent as required u/s 22 of the GNCTD Act, 1991 (Re: https://drive.google.com/file/d/0B3C_zx4dsPdWa2RCcFFDZFRxM0k/edit?usp=sharing), for the Bill was in the nature of a financial bill; thus he couldn\x92t make a prior reference to the Central Government as required u/r 55(1) of the Transaction of Business of the GNCT Rules (Re: https://drive.google.com/file/d/0B3C_zx4dsPdWc3BHWHIyNXR0LUU/edit?usp=sharing), 1991 (TBR). The rule 55(1) of the TBR *inter alia* requires the money bills and any other bills ultimately requiring additional financial assistance through substantive expenditure from the consolidated fund of the capital, to be referred to the Central Government by the LG.

Inter alia, the AAP has objections to the prior reference of the money bills and the other financial bills withdrawing from the consolidated funds, to the Central Government. The ground for objection is that it is against the mandate of the Constitution u/a 239AA of the Indian Constitution, which is a special provision with respect to the NCTD. They have taken legal opinions from various legal experts, out of which, I find Justice Mudgal\x92s legal opinion (Re: https://drive.google.com/file/d/0B3C_zx4dsPdWSXhhVG45dGNCbmM/edit?usp=sharing) to be balanced, and, also, to be representative of the opinions of the other legal experts. He has opined that the rule is *ultra vires* to the extent it refers matters which are not in the nature of taxation, trade, and commerce. The AAP has neither challenged the provisions of the GNCTD Act, 1991, in any of the public debates nor received any legal opinion with respect to the same. It is evident from Justice Mudgal\x92s opinion that his opinion is based on the wholesome reading of the rule 55(1) applying the rule of *ejesdum generis,* thus reading down other parts of the rule in light of article 286, 287, 288 and 304 of the Indian Constitution (Re: https://drive.google.com/file/d/0B3C_zx4dsPdWWXlYbFZMaFFfQjQ/edit?usp=sharing; https://drive.google.com/file/d/0B3C_zx4dsPdWMGFEZU56SkFhaGs/edit?usp=sharing;

https://drive.google.com/file/d/0B3C_zx4dsPdWY2M1V3l2LVpRaVk/edit?usp=sharing) Well, I think, the approach adopted is inappropriate as the three sub-rules of the rule 55(1) deal with completely different aspects, and, in fact, the first sub-rule *per se* deals with two different aspects.

The TBR have been framed u/s 44 of the GNCTD Act, and, in particular, the rule 55(1) falls under the chapter dealing with the procedure to be adopted in the cases of difference of opinions between the council of ministers/minister and the LG. The s. 46 of the GNCTD Act gives power to the LG to make rules with the prior approval of the President with respect to the following: the custody of the consolidated fund of the capital, the payment of moneys into such funds, the withdrawal of money there from, and all other matters connected with or ancillary to those matters. **It seems that the Jan Lokpal Bill required the prior reference to the Central Government because it was withdrawing from the consolidated fund**, with respect to which the rules have to be framed with the prior approval of the President u/s 46 of the GNCTD Act. I won\x92t read much into the rule 55(1), to the extent dealing with procedure to be adopted in case of withdrawal from the consolidated fund, having been framed under the wrong section, i.e. s. 44, of the GNCTD Act \x97 it should have been framed u/s. 46 of the GNCTD Act. The two sections can be read together, and thus the rule so framed would be valid. As I have already stated that the AAP has not challenged any provision of the GNCTD Act \x97 which anyways could not have been challenged \x97 thus the rule framed is valid and constitutional.

Actually, there is no need to look into so many technical aspects. The issue is straightforward: Who should have the last right over the consolidated fund of the capital? And the answer is obvious in the current paradigm when the NCTD is not a full state.

Unfortunately, I have not been able to access the draft of the Jan Lokpal Bill attempted to be introduced in the Assembly, therefore I can\x92t comment on the validity of the LG\x92s letter. © 2014-2015 Ankur Mutreja

Chapter 3.7.2: CBI: Existential Crisis

(November 2013)

The recent judgment of the Guwahati HC in **Navendra Kumar vs. Union of India** (Re: Navendra Kumar vs. Union of India, W.A. No. 119 of 2008 in the Guwahati HC; download from http://ghconline.gov.in/Judgment/WA1192008.pdf) has created an existential crisis for the CBI. Before the HC, the CBI tried to justify its existence on the basis of two sources: first as a \x93police\x94 force established under the Delhi Special Police Establishment Act, and secondly as a central bureau of \x93investigation\x94 established u/a 73 r/w entry 8 of the list 1 of the seventh schedule of the Indian Constitution.

As far as the first argument of the CBI is concerned, I think it was ill-founded and has been rightly trashed by the Guwahati HC. The CBI can\x92t be a police force under the DSPE Act because there was never an intention to create one as is evident from the notings made in reference to the establishment of the CBI. An attempt was also made to justify the police force as having been setup for Delhi u/a 73 r/w a 246&245 r/w entry 2 of the state list and extended to other states under entry 80 of the union list. However, the attempt was rejected on two premises: first that there was no executive action u/a 73 for there was neither any cabinet decision nor any assent of the president, and secondly that mere executive instructions can\x92t infringe the fundamental rights. I think the Guwahati HC has probably erred with respect to the first premise: In **Visakha v. State of Rajasthan** (Re: Vishaka and others v. State of Rajasthan and others, (1997) 6 SCC 241, AIR 1997 SC 3011, (1998) BHRC 261, (1997) 3 LRC 361, (1997) 2 CHRLD 202; download the judjment from http://indiankanoon.org/doc/1031794/), the SC allowed the contribution from the Solicitor General to be an appropriate executive action u/a 73. However, in Visakha\x92s case, the law was laid down u/a 32, thus there could be a question that even if there is an appropriate executive action through an administrative instruction, would it tantamount to laying down a \x93law\x94; I would say it wouldn\x92t, and, therefore, the second challenge with respect to infringement of fundamental rights should succeed.

So, the best argument for justifying the existence of CBI can be made u/a 73 r/w entry 8 of the union list because even if there is no law in the strictest sense, the executive action u/a 73 would be valid in view of the precedence in

Visakha\x92s case, and the Executive can definitely take ad-hoc measures as residuary measures for setting up a central agency for \x93investigation\x94, which agency would have enough authority to face the challenge of infringement of fundamental rights. However, this argument of the CBI has been trashed by the Guwahati HC holding that the word \x93investigation\x94 appearing in the entry 8 is used in the sense of \x93enquiry\x94, and it doesn\x92t give powers to the agency, so setup, to investigate the crimes as a police force can do. Well, I think the Guwahati HC has erred here. Interpretation of the word \x93Investigation\x94 is no more *res integra* in view of the orders passed by the SC in SLP (Criminal) 1088 of 2008 r/w orders passed in WP (Criminal) 109/2003. In WP (Criminal) 109 of 2003, the SC directed the constitution of a SIT to \x93enquire/investigate\x94 the Gujarat riots cases. The \x93/\x94 has different meanings depending upon the context. It may mean \x93or\x94, and it may be used denoting the use of synonyms separated by \x93/\x94. Now, the question arises how the two words \x93enquire\x94 and \x93investigate\x94 have been used by the SC in its order directing the constitution of a SIT. Later on, the same SIT constituted under the directions of the SC in WP (Criminal) 109 of 2003 was asked to examine the complaint filed by Zakia Zafri before the DGP, Gujarat, and file a report thereof. Subsequently, the further investigation was carried out by the SIT, and the same was reviewed by the Amicus Curiae. No FIR was ever filed against Narendra Modi, an accused in the complaint, but, in its final order, the SC directed the SIT to file the investigation report before the Trial Court, which clearly means that the SC used \x93/\x94 in the sense denoting synonyms, which further means that the SC has held that \x93enquiry\x94 and \x93investigation\x94 are one and the same thing. In fact, there is no use of the word \x93enquiry\x94 in chapter XII of CrPC, which deals with investigation by police, and the view taken by the SC is influenced by a simple interpretation of the CrPC. Now, coming to the question of the usage of the word \x93investigation\x94 in reference to the CBI: The Guhawati HC rejected the argument of the ASG that the powers to establish the CBI vide the impugned resolution/order can be derived from entry 8 of the union list on the premise that the word \x93investigation\x94 used in the entry 8 is used in the sense of \x93enquiry\x94, as differentiated from \x93investigation\x94, and, while doing so, it also made reference to the difference between an \x93enquiry\x94 and an \x93investigation\x94 carried out by the police under the CrPC. Thus, the premise of the Guhawati HC comes in direct conflict with the view taken by the SC in Zakia Zafri\x92s case. Moreover, the whole premises of

the SC order directing the filing of the final investigation report before the trial court is based on the reading of the earlier reported judgments passed in reference to the CBI, so the interpretation of the word \x93investigate\x94, as appearing in the entry 8, has been well considered in the SC order in Zakia Zafri\x92s case; thus, this issue is no more *res integra* as the interpretation of the word \x93investigate\x94 as appearing in the entry 8 had direct bearing on the decision rendered by the SC: If the word had been interpreted as meaning \x93enquiry\x94, as interpreted by the Guhawati HC, the SC couldn\x92t have directed the filing of the investigation report before the Trial Court but could have only directed the filing of the FIR by the SIT.

Moreover, an interesting question has arisen as to whether the judgment of the Guhawati HC has rendered the CBI void through out India or only in certain parts of the NE. The answer to this question lies in the way in which the existence of the CBI is justified. If it is justified relying upon the DPSE Act, then, obviously, the CBI has been rendered void through out India for if it is a state police force extended to the NE, over a part of which the Guwahati HC has territorial jurisdiction u/a 226(1), the whole police force has been rendered void. However, if the CBI\x92s existence is justified as a central bureau of \x93investigation\x94 having been constituted u/a 73 r/w entry 8 of the union list \x97 for which there is enough precedence in **Visakha\x92s case** irrespective of the observation of Guwahati HC in Para 124 of the judgment \x97 the HC derived its jurisdiction u/a 226(2), and thus the CBI has been rendered void only in certain parts of the NE where the Guwahati HC exercises territorial jurisdiction. The notes leading to the formation of the CBI have been well discussed in the judgment, and, as appearing from the discussion, the intention of the then government was to set up a central bureau of investigation through executive actions u/a 73 r/w entry 8 of the union list but not as a police force under the DSPE Act. Now, in escalation of its commitment to uphold the popular belief, if the government insists on the argument that the CBI has been setup under the DSPE Act, it will only make fool of itself and may not even get a stay from the SC. © 2013-2015 Ankur Mutreja

Chapter 3.7.3: Trial of Rape Cases

(December 2012)

Herein, I am trying to suggest certain measures that can be taken to expedite the rape/sexual assault proceedings and, more importantly, the measures that can be taken to bring in the certainty of results reflected in the larger number of genuine convictions.

Assumptions

1. The amendments in the IPC expanding the definition of rape to include sexual assault and making the offences **gender neutral,** is acceptable, and the same should be passed along with the appropriate consequential amendments in the procedural laws, including the law of evidence.

2. The long delays in the trial of sexual assault cases make the sexual assault victims amenable to compromise including to marriage with the perpetrators.

3. The criminal trial *per se* is offensive and injurious to the dignity of the victims irrespective of it being an in-camera trial.

4. The public prosecutors, in general, fail to protect the victims from the needlessly offensive and/or annoying and/or insulting and/or scandalous and/or indecent and/or unreasonable questions from the defense counsels.

5. A large number of false/trivial/motivated sexual assault cases are filed reflected in the large rate of acquittals.

6. The laws with respect to the conviction on the basis of the sole testimony of the victim, the irrelevance of the general \x93immoral\x94 character of the victims, the irrelevance of the past instances of sexual transactions between the victim and the offender unless there is a prior written agreement for entering into sexual activities over a defined period in accordance with law (esp. in light of the expanded definition of rape to include sexual assault), etc, are desirable.

7. The sexual assault cases can be tried independently irrespective of the commission of other crimes in the same transaction.

Suggestions

Special Fast Track Courts and In-Camera Trial.

The need for fast track courts and in-camera trials is obvious. I don\x92t need to even elaborate on it, so I won\x92t.

Forensic Evidence

The forensic evidence, though not necessary, is always desirable in the sexual assault cases. The sexual assault cases, which are, by their very nature, devoid of independent eye-witnesses, require corroboration by forensic evidences. However, there is a catch: People may start creating videos of their sexual acts just to produce them in evidence, which obviously is a very serious concern; I don\x92t know how to take care of this problem, but the need for forensic evidence can\x92t be understated.

Private Prosecution

Sexual assaults are undoubtedly personal attacks; a sexual attack against a woman is considered as attacking her \x93Izzat\x94 linked to her modesty and virginity and thus the public conscience; but, now, when the law is being made gender neutral, there is no occasion for attaching a false value to a woman\x92s sexual identity, and this, I think, is a positive development. Under these circumstances, there is also no occasion for imposing a responsibility upon the State to protect a woman\x92s \x93Izzat\x94. However, there is a definite need to provide state support in terms of legal help to those who need it or even to those who desire it for whatever reasons. As far as the collection of evidence is concerned, the state support is required more in terms of forensic testing than in collection of evidence *per se* (as per stats, in 92% of the cases, the perpetrator is known to the victim; even when the perpetrator is unknown, an enquiry can be conducted u/s 202 CrPC) in the sexual assault cases, especially when the statement of the victim *per se* is enough to lead to conviction. Ideally, a victim should approach the concerned magistrate, who should immediately take cognizance of the case u/s 190(a) CrPC and examine him and his witnesses u/s 200 CrPC (including the private medical report and/or forensic report, if any, but excluding the witnesses of the private medical examination and/or forensic testing), and the magistrate taking cognizance should have the power to issue commissions, and, if the need be, he should indeed issue commissions for the medical examination of the victim at this stage itself. Thereafter, the magistrate should immediately commit the case to the designated fast track court, where further proceedings, including those under section 202 CrPC, should take place. One big benefit of private prosecutions in the sexual assault cases would be at the trial stage because of the balancing of the positions resulting in a situation where the prosecution counsel can and will take relevant objections at the time of cross-examination of the victims; the lack of which, at present, is one of the

main reasons for the low conviction rates in sexual assault cases.

Scientific Techniques

I know I am now entering a conflict zone. The SC has, more or less, put to rest the question of admissibility of evidence obtained from scientific techniques like Narco Analysis, Brain Mapping, Polygraph, etc: If involuntarily obtained, the evidence from these techniques is completely inadmissible, and, if voluntarily obtained, it is admissible only u/s 27 of the Indian Evidence Act; s. 27 applies only in the case of an accused persons, but not in the case of a witness, thus, the evidence of a witness obtained through scientific techniques is completely inadmissible. However, I feel, there can be no better use of scientific techniques than in sexual assault cases. It can not be doubted that there is a great likelihood of and a strong motivation to file false cases, especially under the pressure from the politicians. And, now, when the law would be made gender neutral, the motivation will increase further for obvious reasons. In such circumstances, it becomes but necessary to find some mechanism to test the veracity of the testimonies of the victims scientifically, ideally, before the issuance of processes. I think a compromise can be made: The voluntary scientific testing can be allowed, and the negative inferences can be drawn in suitable cases for refusal to volunteer for scientific tests.

Compensation Suit

The special fast track courts should have power to conduct parallel civil trials for compensation in all the cases of sexual assault; irrespective of whether a suit has been filed or not, the issues should be framed *suo-moto* on the basis of the facts of the case as soon as the parallel criminal trial starts, and the evidence should be allowed on the basis of the same. The fast track court should impose appropriate costs u/s 35 CPC, u/s 35A CPC, u/s 35B CPC, and u/s 151CPC during the trial and at the end of the trial \x97 the power to impose cost is not available to the subordinate criminal courts as they don\x92t have any inherent powers. The civil trial should, in all cases, end along with the criminal trial. This, though not sufficient, may compensate some loss of dignity of the victims.

Collateral Issue (Criminal Law Amendment Bill)

I will forward my arguments with the help of a hypothetical testimony of a sexual assault victim:

> *I, Mr. X, went to watch the late night show of the \x93T\x94 film with Ms. Y on Z day. After the show, I went to the residential apartment of Ms. Y. We started fondling each other sexually, and, in the process, took off our clothes. Ms. Y engaged in fellatio with me, as a result of which, my penis erected. At this point, Ms. Y held my erected penis in her hand and tried forcing it in her vagina, to which, I said NO; however, she didn\x92t stop and successfully forced me to enter into her vagina.*

Under the assumptions made by me above, the above testimony *per se*, if proved, should lead to conviction. So, the only chance available to the defense is either to successfully attack the credibility of the victim or to create doubts by leading evidence in rebuttal. However, an interesting situation would arise when Ms. Y also files a similar complaint against Mr. X arising from the same transaction. Can the two trials be clubbed together in such a case? If yes, who should lead the evidence first? If not, should the other trial be stayed till the decision in the first trial? And should the decision in the first trial, if leading to conviction, act as *res judicata* in the second trial? I think these questions have not been answered in the Criminal Law (Amendment) Bill introduced in the Parliament. © 2012-2015 Ankur Mutreja

Chapter 3.7.4: In Re: Regularisation of Unauthorised Colonies in Delhi

(Delhi Government is playing with Fire)

(August 2012)

At the very outset, I ought to disclose that I am an inhabitant of an unauthorized colony which is in the list of 917 colonies having been given approval for regularization by the centre.

I think it is inevitable to regularize unauthorized colonies now, and elsewhere I have also opined that the unauthorized colonies have, ironically, been a boon for the citizens of Delhi. However, the Delhi Government is trying to short-circuit the process. In the guidelines for regularization as well as the regulations for regularization, there is a clear mention of WP(c) 725 of 1994 in the SC and WP(c) 4771 of 1993 in the DHC. In the SC, the Delhi Government has filed an IA no. 32 in the WP (c) 725 of 1994 seeking permission to start with the process of regularization. The IA has not been decided till now. In the DHC, the Delhi Government had last filed a CMA no. 14406/2009 in the WP(c) 4771 of 1993 seeking permission to provide amenities like sewerage, drainage, etc, in the unauthorized colonies; the DHC vide order dt. 05.03.2012 didn\x92t grant any permission and left it open for the authorities to do so at their own risk. The Delhi Government has carried out extensive development work in the unauthorized colonies in the last two years through its various agencies. Now, the Delhi Government is hell bent on issuing notification for regularization of 917 colonies without approaching the courts first.

From the above, it is a clear political self goal by the Delhi Government. If the opposition would desire, it will very easily make a scam out of it (the real estate prices are going to touch sky high after the regularization) and will cause another embarrassment to the Congress Government, both at the centre and the State.

However, since I am not a politician, I will clearly spell out the legal position. The SC, in order dt. 14.02.2006 passed in WP (c) 725 of 1994, has directed the Delhi Government not to carry out any regularization if they can\x92t ensure basic amenities to the colonies. It was an open order, and, it seems, the IA was filed as an abundant caution; but, now, going ahead with the regularization without waiting for the disposal of the IA is nothing less than a suicide. Similarly, the DHC in CMA no. 7829 of 1993 in WP (c) 4771 of 1993 passed an

interim order dt. 13.10.1993 restraining the respondents (the Centre as well the State) from taking any further action for regularizing unauthorized colonies till further orders. The WP (c) 4771 of 1993 was finally disposed off on 27.02.2001 as having become infructuous after formulation of the guidelines for regularization as there was no challenge to the guidelines. However, the DHC also gave directions to the respondents that till the time modalities in terms of the guidelines are worked out, the interim order passed earlier shall remain operative. The modalities/regulations for regularization were later on drafted and filed before the DHC vide CMA no. 5916 of 2008 in WP (c) 4771 of 1993; however, in the said CMA, no prayer was made for the vacation of the interim order dt. 13.10.1993 \x96 this was the most ill-advised application \x97 thus the DHC just took the regulations on record and didn\x92t pass any further orders. Thereafter, the Delhi Government has filed further CMAs seeking permission to provide amenities. In one of the application, the DHC also made an observation that there is no need to seek the permission of the court, but the Delhi Government kept filing the CMAs even after that with the latest CMA being the CMA no. 14406/2009, which was disposed off on 05.03.2010, and, while disposing off the CMA, the DHC clearly observed that the courts are seized of the question whether illegal colonies are to be regularized or not. The Delhi Government, it seems, has not understood the legal position at all by now construing that there is no stay on regularization.

Furthermore, the Delhi Government, in the hurry to regularize, has not even given an opportunity to the general public to raise objections with respect to the boundaries of unauthorized colonies fixed by it. Earlier, it had issued a notice inviting objections with respect to 51 colonies, but no notice has been issued thereafter, and now 917 colonies are being regularized without inviting any public objections. Also, the latest amendment carried out by the Delhi Government in regulations for regularization has rendered the clause 4.4 of the regulations useless, which provided for public participation at the RWA level before regularization of the colonies. I wonder what the Delhi Government is up to. The notification regularizing the colonies will certainly be quashed by the courts.

From the above, any body can construe that the ongoing regularization of colonies is nothing but political expediency, with which I have no problems, but that shouldn\x92t lead to arbitrariness and contempt of court. Somebody tell the Delhi Government that they are indeed playing with fire. © 2012-2015 Ankur

Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 4: Philosophy

Chapter 4.1: Privacy

Chapter 4.1.1: Nine Point Privacy Principles

1. All information is private unless made public.

2. The natural owner of any information is the one to whom the information pertains; and, unless there is a procedure established by law, it can\x92t be created/recorded by a third party, including in human memory, without the consent of the person concerned.

3. If the information pertains to more than one person, then all to whom it pertains are the joint owners of the information concerned, and there is a presumption of confidentiality between the owners; and, unless there is a procedure established by law, the information can\x92t be created/recorded by a third party, including in human memory, without the individual consents of the persons concerned.

4. A joint owner, in his capacity of a joint owner, can disclose private information pertaining to another joint owner in a court of law in a dispute with the other joint owner in which the private information is a \x93relevant fact\x94; and the court shall admit such evidence as confidential information not to be disclosed to the public.

5. The information owned by the government is always public unless made private specifically by a procedure established by law. The acts of public servants while performing public duties is the information owned by the government. Public servants include private persons performing public duties.

6. The information owned by an owner/joint owners can be made public by the owner/the joint owners at his/their discretion subject to the law of the land. The presence of any activity/information of the owner/the joint owners which is clearly, easily and directly visible/audible/perceptible from a public place, which includes private place frequented by public, is deemed to be an application of the discretion to make the private information public by the owner/the joint owners, and the same can be recorded in any form by third parties. The discretion may include making the information public to a specified group only, in which case the members of the specified group become the joint owners of the information, and the information becomes the private information pertaining to the specified group.

7. Any third party can make the information pertaining to any other person public only by a procedure established by law.

8. Unless there is a procedure established by law, there is a rebuttable presumption of non-necessity of recording the private information or of making the private information public by a third party except in a court of law as an evidence of a \x93relevant fact\x94; and the court shall admit such evidence as confidential information not to be disclosed to the public. The onus of proof lies on the third party to prove the necessity. The necessity can lie only in public interest or in private defense.

9. If any information pertains to the sexual life of a person/group, unless there is a procedure established by law, there is a non-rebuttable presumption of the non-necessity of recording the private information or of making the private information public by a third party except in a court of law as a \x93relevant fact\x94; and the court shall admit such evidence as confidential information not to be disclosed to the public. © 2012-2015 Ankur Mutreja

Chapter 4.1.2: Notice Dated 24.02.2012 to the Parliament of India

The Members of Parliament are, hereby, notified as under:

1. That there is no comprehensive law in India dealing with the infringement of privacy.

2. That it has been observed that the police, the intelligence agencies, the big corporates, etc., indulge in the collection and real time viewing of the personal private information of the citizens of India, more often than not, illegally, and, still worse, they share it with influential private persons like politicians, big business men, HNIs, etc.; for example, the information about prospective and existing grooms, brides, employees, etc., is shared.

3. That, however, with the availability of easy technology, even private persons have started infringing the privacy of the other fellow citizens with little effort. The mobiles are the most ill-exploited technology tools.

4. That such a situation has led to mass exploitation of poor citizens by local leaders and goons, especially politicians and shady businessmen. The situation is so bad that the obscene MMSs of poor girls have started surfacing even in villages. In some urban quarters, the creation and dissemination of the obscene MMSs of girls and, at times also guys, has become a leisure industry. Politicians and police are actively indulging in and supporting such endeavors also because it gives them power over people.

5. That privacy is one of the most cherished right of individuals, and the western propaganda of mass infringement of privacy, as in the Rupert Murdoch case, can\x92t be accepted by me.

6. That, in such circumstances, I, hereby, call upon you to immediately pass a strict and comprehensive law dealing with the infringement of privacy in the current budget session; failing which, I shall punish anybody who, without any authority of law, infringes or has already infringed my privacy; and, I shall punish the offender in the manner best found suitable by me on the principle of eye-for-an-eye without worrying about consequences including the disobedience of the laws of India.

Note: Copy to all the people of the world

Addendum

The above notice has been served upon the Parliament through the Speaker, Lok Sabha, on 24.02.2012 by sending an e-mail on the id speakerloksabha@sansad.nic.in. The notice has also been served upon Lok Sabha and Rajya Sabha through their Secretary Generals on 26.04.2012 by sending e-mails on the ids vnathan@sansad.nic.in and secygen.rs@sansad.nic.in respectively. ©2012-2015 Ankur Mutreja

Chapter 4.1.3: Rape or Infringement of Privacy

Scenario 1: Unknown male rapes an unknown female, and then they never meet again, and nobody knows anything about it.

Scenario 2: A well-known male, may be a boyfriend, has consensual sex with a well-known female friend; the duo consensually make a private video of their activity, but, one fine day, the male friend makes the video public in the local community.

The first is a crime and carries a minimum punishment of 7 years; the second is not at all a crime: it is only a collateral crime of obscene publication under section 294 IPC, which carries a meager punishment of 3 months. It doesn\x92t need a mind of a scientist to reach a conclusion that the second is a much bigger crime. In fact, the large numbers of rapes are reported just to obviate the publication of such obscene videos, which might have been made during the act of rape; and, sometimes, even consensual acts are falsely reported as rape to obviate such publications.

I have related the above two scenarios to bring forth the point that rape is nothing more than an act of sexual violence unless it carries along with it some ancillary acts which may have the effect of ruining the life of the rape victim; Many a times rape victims are converted into lifetime sex slaves by their perpetrators through a well organized system of domination and conditioning, and the politicians and the police are very important ingredients of this system; at times, they even force well-established people into prostitution with the promise of privacy protection, but, of course, nobody ever report such cases.

I hate those who accentuate individual rape cases of high society victims: by doing so, they only help those who want to lower the status of women in society by identifying them as powerful sex objects with deep cleavages; the deeper the cleavage, the more the power.

Addendum

I have deliberately not included the second scenario as a crime u/s 509 IPC or under the IT Act because, as put up by me, it is not.

Though this is tangential, but, I think, I need to mention it. A prostitute who is not paid for her services can file a complaint for rape as she has been defrauded \x97 prostitution *per se* is not a crime; it\x92s immoral trafficking which is a

crime. Thus, the Gurgaon rape case is rape irrespective of the opinions of the police officers concerned, who think it is not rape because she was anyways a prostitute.©2012-2015 Ankur Mutreja

Chapter 4.1.4: Privacy and Sting Operations

Privacy is derived from the word \x93private\x94, which is an antonym of the word \x93public.\x94 There has always been a conflict between the society and the individual, so much so that some thoughts in sociology even consider privacy a disease. Though, obviously, such thoughts are corrupt because privacy is an essential ingredient of the personal liberty of an individual, and no privacy means slavery.

The definition of privacy is easy and clear: All power with respect to the private information of an individual should remain with the individual subject to the norms of the society. Some of these norms are indeed set up by the powerful individuals, who use society as a medium to further their self interests. However, other norms are set up genuinely by the society, and one such norm is to not to allow complete privacy to individuals. No individual can exist in a society unless at least he discloses his identity to the society; so, some of his personal details like name, sex, age, etc., can never remain private. However, if an individual is a public figure or is involved in some public duty or is active in a public space/forum, he needs to disclose a lot more (a person active on a public street can hardly claim privacy from disclosure of his identity and acts; however, at the same time, nobody can disclose the identity of a *pardanasheen* though can disclose the acts), and if an individual fails to disclose appropriate information, the society find out ways to gather the same.

It may often happen that the same means are used by the society to gather both appropriate and inappropriate information: \x93sting operation\x94 is one such means. So, the word \x93appropriate\x94 becomes very important. There are some interest groups that consider the knowledge of private sex lives of individuals as appropriate public information, especially if the individual concerned is a public figure or is involved in some public duty. For example, some people in the Aligarh Muslim University consider the private sex life of their teacher as appropriate public information; yet some others elsewhere consider the sexual adventures of the movie stars, the religious gurus and the politicians as appropriate public information. It is hardly a debatable question whether society approves of it; at least the law doesn\x92t approve of it, which means even the society doesn\x92t: Under section 294 IPC, an obscene act in a public place is an offense, which obviously includes sexual intercourse in a public place. BTW, as per law, a public place means any place frequented by

public, irrespective of whether the place is a private property or a public property; and \x93public\x94 means any class of public or community: Even a single person can form a class, for example \x93the President of India\x94. So, how can the law allow public display of the private sex life of an individual? Rather, the strictest punishment possible should be awarded under section 294 IPC to those who indulge in such public exhibition of sex lives of individuals. However, I know there is hardly any punishment that can be awarded under section 294 IPC; so, what we need is a strict comprehensive privacy law, in which the infringement of privacy is considered an offence, and the strictest punishments possible are provided for.

However, at the same time, some \x93sting operations\x94 have served useful purpose. The public disclosure of the illegal acts of the public servants in contradiction to their well laid out public duties is definitely beneficial to the society. A politician or a bureaucrat caught accepting bribe doesn\x92t call for any privacy. Moreover, the recording of these acts and making them public thereof doesn\x92t infringe anybody\x92s privacy. As per the law laid down by the Supreme Court in **Rajagopal v. State of Tamilnadu** (Re: R. Rajagopal vs State of T.N, 1995 AIR 264, 1994 SCC (6) 632; download the judgment from http://indiankanoon.org/doc/501107/), a public servant has no right to privacy for the acts done in discharge of his public duties. So, if I record and make public my conversation with a public servant in which he demands bribe for discharging his public duty, I don\x92t infringe his privacy as I only intended to record his public acts in the discharge of his public duties.

Thus, there is no dilemma between \x93sting operations\x94 and privacy. Both can co-exist except that those carrying out these \x93sting operations\x94 will have to stop calling them that when they don\x92t infringe anybody\x92s privacy; and, when they do, they should anyways be banned. In other words, the word \x93sting\x94 should be banned. © 2010-2015 Ankur Mutreja

Chapter 4.1.5: Every Individual Is a Sovereign and Privacy His Kingdom

I hate the concept of sovereignty because it subjugates many to the power and authority of a few. Earlier, there used to be just one sovereign, i.e. the King, but now there are many represented by the politicians. Each and every person in this new world wants to be a sovereign and wants to somehow control the private lives of the others, whether by being a mentor, a boss, a leader, or whatever else. A mentor wants to peep into the private life of his mentee in the name of training the mentee; a boss wants to peep into the private lives of his staff in the name of maintaining job efficiency; and a leader wants to peep into the private lives of the masses in the name of maintaining social order and giving direction. But, all of them do it without any authority in a self-acclaimed manner.

Who gave the authority to a mentor to decide the friends his apprentice makes or the books his apprentice reads or the movies his apprentice watches? and, why and what for? Don\x92t give me the BS that the mentors are extremely responsible individuals dedicated to the task of nurturing others without any self benefit, and that such mentors are also present in large numbers (almost every second person wants to be a mentor). Until and unless the mentor certifies that you are well-trained to take on the world individually, you dare not think of independent existence. So, a little slavery at this juncture will ensure you the so-called \x93freedom\x94 later on. Isn\x92t it a cool choice to make! So what if certain nights are spent in the private den of your mentor! This way, at least your most secretive personal experiences remain private to you and your mentor, of course.

\x93The boss is always right\x94 not because he has more experience and is better qualified but because he controls your private life. Dare not tell him that he is wrong, else he will make your life miserable. He will throw you out of the job, make a bad appraisal report and diffuse it in the industry so that you may not get any job anywhere and, hence, will deprive you of your ability to earn your bread; i.e., he will deprive you of one of your physiological needs. So, let him peep into your computer, let him install cameras in your bedrooms, let him enter your house at odd hours (or give you a call on your mobile) and direct compliance with his orders. Oh yes, this is surely infringement of your privacy. But, wtf privacy! It is not even a well recognized human right!

The leader is the most annoying of all, and now they permeate the society in large numbers and are present almost every where. Whether be it a housing society or a professional body, everybody has a leader. And the leader, with the growing advances in technology, can now actually see and hear you at all possible times. He will get a budge from one of his dedicated followers (read slaves), the moment you make a move (literally); i.e., he will even know the time you woke up from your sleep, what you had in dinner, what shoes you wore while jogging and what color you like the most. He will know everything especially if you are a celebrity. A leader appears in many forms: he can be a spiritual/religious leader, a political leader, a social leader, a team leader, or even a family head. He is the most corrupt and has misappropriated the highest control over your life. He, of course, is helped by his faithful servants, who appear in many forms like the police, the scientists, the lawyers, the accountants, etc. Don\x92t even think of fighting for privacy against him because then he will ensure that you live in jail thereafter sans privacy, of course.

Coming back to my dislike for a sovereign, I dislike him because he uses authority over others. What if he is ceased of all his authority? This can happen only if he doesn\x92t get to know anything about you which you don\x92t wish to disclose to him. Or, in other words, your private life, which you decide what is private, remains private. This thought is utopian, but this is the only option for ensuring individual respect and dignity. And, the individuals will have to learn to respect and protect their own privacy and fight the infringement of their privacy as a sovereign would do to protect his kingdom. The knowledge and the use of brain are the only tools with which an individual can protect and secure his privacy, or, in other words, his kingdom. Nobody recognizes a sovereign easily, at least not till the time the other sovereigns find it convenient, in their own self interests, to do so. Therefore, all those individuals who want to protect there privacy will have to fight other sovereigns/proxy sovereigns and learn that **\x93Every Individual is a Sovereign and Privacy his Kingdom.\x94** ©2009-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 4.2: Relations

Chapter 4.2.1: Happily Unmarried

Mr. AB, a modern guy, meets Miss XY, a modern girl, and \x93falls in love\x94. Miss Y also \x93falls in love\x94. Miss Y wants to marry and have kids. Mr. B doesn\x92t want to marry but doesn\x92t want to lose Miss Y either. Mr. B and Miss Y talk it out.

Miss Y: We have been seeing each other for long now. I am fine with marriage if you propose.

Mr. B: OK, but if I propose and we get married, what do you want to be called after marriage? Mrs. XB or Ms. XY?

Miss Y: Ms. XY of course. I am an independent woman!

Mr. B: Do you wanna have a kid from the marriage?

Miss Y: Of course yes.

Mr. B: What would you like her to be called? Miss UB or Miss UY?

Miss Y: Miss UY!

Mr. B: But, there is a problem. As per Indian law, she can\x92t be called Miss UY; she has to necessarily be called Miss UB.

Miss Y: Hmmm\x85So, fine call her Miss UB then.

Mr. B: But, then that\x92s paradoxical! You, being an independent woman, should be equally concerned about your kid\x92s identity. How can you so easily forgo your claim on her identity?

Miss Y: WTF! I think you were better an MCP!

Mr. B: Do I change my name? I mean do I become Mr. AY?

Miss Y: Have you gone nuts! Has that ever happened before?!!

Mr. B: Then you change your name!

Miss Y: No way!

Mr. B: I have an idea. Let\x92s not get married and have a kid, and then you can name her Miss UY.

Miss Y. OK. Fine, let\x92s do it.

Mr. B and Miss Y lived happily unmarried ever after. ©2011-2015 Ankur Mutreja

Chapter 4.2.2: GIRLFRIEND: Moving Beyond Devi/Dasi/Devdasi

At last I know what the term **GIRLFRIEND** means. Before my version, let\x92s see what are the various meaning attached to this term. I am not including the term boyfriend because I don\x92t have any clue about what girls think and mean by the term boyfriend.

Many variations are found for the term girlfriend. The girlfriend generally means someone who is more than a friend (?), whom one would generally be ready to marry when the need arises, with whom one would be maintaining a regular sexual relationship, many a times one would also be living in with her.

Now, various questions arise. How a girlfriend is different from any other friend? Is it necessary to have sexual relationship with a girlfriend? Can there be more than one girlfriend? Can there be a girlfriend without any marriage commitment? And, when you are living in, how different is it from marriage?

To find answers to these questions, I need to define a friend and a girl (when looked from the perspective of a boy). Defining a friend is easy, but a girl, difficult.

Friendship, as we instinctively understand, is a relationship which is the most sustainable one because it has no formal tethers. We can walk out of friendship whenever we want, wherever we want, and for whatever reasons we want, though we seldom do it unreasonably. The most important thing in friendship is the existing trust; the trust which has been checked in a variety of situations, and, depending upon the past experiences in various situations, we define the level of friendship. A best friend is the one who has withstood the test of time. Depending upon the compatibility, the individual personalities, the situations, etc., the trust may develop very fast, or it may not develop at all.

Girl, for a Boy, is, first and foremost, a person of opposite SEX, who is capable of satisfying one of his most basic needs. And, actually, that\x92s the only true difference between a boy and a girl, which is that they are beings of opposite sexes. The rest, I think, are behavioral differences. Given that, women have been looked upon as objects of deriving sexual satisfaction by men: the prostitution is the most prominent manifestation and the marriage is a subtler variant. Since men have been dominant, the two roles of women are weaker roles as compared to the more dominant societal roles of men. I am not saying here that these are

the only roles of women in the society, but these, along with that of a mother, are the prominent ones (i.e., *Devi*, the mother; *Dasi,* the wife and *Devdasi,* the prostitute). Out of these, the role of a prostitute has inherent defects and need to disappear. And, with great responsibility, I say that the role of a girlfriend can fill this vacuum. The process has already started in the West, and therefore, it seems, that, over there, only \x93losers\x94 go to a prostitute.

So, let me now define what a girlfriend is by answering the questions posed above.

How a girlfriend is different from any other friend?

A girlfriend is different from any other friend because of the use of the word \x93girl\x94 and the sexual connotations attached to it. First and foremost, she is a friend; whom one may want to call a friend depends upon an individual\x92s definition of a friend and is personal. Secondly, she is the girl who satisfies a particular role. Pretty often, we have one or two girlfriends but many more friends who are girls, but not girlfriends. The most reasonable explanation for this could be the non-consideration of the other girls as such friends who are available for satisfying such needs for whatever reasons, or it could be one\x92s own non-availability to such girls for satisfaction of such needs for whatever reasons. Whether combination of two roles of a girl and a friend in a single person creates a new role is difficult to define and understand. The answers can be derived from the role of a wife. But, then, I am not married, so I don\x92t have answers, though I can see that any new role, which may arise in a marriage, would only be because of living and sharing together. Last but not the least; a girlfriend is different from a regular sexual partner who is not a friend. For example, one may visit the same prostitute regularly but fails to establish the bond which is required in a friendship, so such a relationship with a prostitute can\x92t be called that of a girlfriend

Is it necessary to have a sexual relationship with a girlfriend?

Yes, it is, and the answer follows from above. Also, when we talk of gay relationships between men, we use the term boyfriend. That should provide some answers.

Can there be more than one girlfriend?

Yes and no, and the answer depends upon a person\x92s sexual preferences. Certainly, there can be two or more friends who are girls. Given that, if a person can manage more than one sexual relationship and the partners are also fine with

it, then why not? But, the riders are first it is not healthy, and secondly it can lead to distrust and betrayal in any of the other relationships because sexual intercourse can lead to false development of trust at the cost of trust in other relationships.

Can there be a girlfriend without any marriage commitment?

Yes and only yes: the very identity of a girlfriend is through non-association with marriage. If one has to necessarily marry a girlfriend, the term fiancée should suffice. However, if a girlfriend becomes a very good friend, satisfies the other requirements of a marriage, and, most importantly, is ready to get married, she is definitely the most suitable person to migrate into the role of a wife as and when the need arises. Moreover, the term girlfriend comes without the weaker role connotations of a *Dasi* attached to that of a wife.

And, when you are living in, how different is it from marriage?

I think living-in is the most confused relationship. The only benefit it offers over marriage is that one can enjoy the ultimate sharing experience without any tethers. But, then it offers many disadvantages too, the most important amongst which is that it doesn\x92t provide proper nurturing ground for the children. A girlfriend, in this kind of a relationship, takes up almost all the roles of a wife, and, practically speaking, it is as difficult to leave this relationship as it is to leave marriage. I fail to understand what could be the benefit of live-in over marriage. I think the widespread use of this relationship in the West is more because of their inability to understand marriage and/or paranoia towards the State and the law and/or a generally irresponsible attitude.

So, the recognition of the role of a woman as a girlfriend is a movement beyond *Devi Dasi* and *Devdasi*. I wish I were also able to define the term BOYFRIEND from the perspective of a girl. ©2008-2015 Ankur Mutreja

Chapter 4.2.3: True Love

According to the Webster dictionary, \x93to like\x94 means \x93to have a kindly feeling for\x94, and \x93to love\x94 means \x93to like deeply\x94. This is one of the simplest ways to define love, and a feeling so omnipresent doesn\x92t need any more complications either. Its genesis lies in the most inherent human instinct to socialize and help each other. Love is the binding agent for the existence of mankind. All of us understand love naturally, but still we fail to find love. Why? Are we faulting somewhere? Are we misunderstanding love?

To complicate is human, therefore, we have complicated even love. We have given it different names and forms. We have even started calling it a relationship, i.e. \x93love-relationship\x94. And when we started calling it a relationship, we even restricted it. Love outside the relationship would be termed perfidious, forgetting all the time it is unnatural not to love. So, obviously no relationship can bind love, and there can be no positive relationship without love. The biggest culprit is thoughtless linking of love with sex. No doubt, the two complement each other, and sex is one of the best mediums to practice love, but they are definitely not the same. Love is so omnipresent that any consensual sexual activity will essentially be involving love (to whatever degree), but the reverse is not always true. The sexual activity should be certainly restricted in certain circumstances; for example, incest should be restricted; but that doesn\x92t, in any way, means that the love can or should be restricted. Thus \x93love-relationship\x94, I talked about earlier, has the same fault: it tries restricting love to one relationship only, which is just not possible. Restriction of sexual activity to the \x93love-relationship\x94 is a subject of debate and personal understanding, but love obviously can\x92t be restricted. The problem with this relationship is that when we refer to love in a \x93love-relationship\x94, we actually mean sex. Sex may need to be restricted because unrestrained sexual activity can lead to faulty understanding of degree of love in at least some of the relationships involving sex; such faulty understanding can lead to breach of trust in other relationship/s involving or not involving sex. But, to love is natural, and it can\x92t be restricted.

Man has unlimited sub-conscious capacity to love, else mankind wouldn\x92t have survived; but, at the same time, an individual has a limited conscious ability to love constrained by limited resources like time. Therefore, reciprocity of love gives way to relationships, with friendship being one of the most

widespread, sustainable and simple to find. Man would obviously like to utilize his limited resources towards those who reciprocate. Lots many factors can lead to this reciprocity. Sometimes forced factors like being-in-marriage can lead to love reciprocity; yet, at other times, natural factors like similar circumstances, mutual understanding, etc., can lead to love reciprocity. Sometimes, even good sexual activity can lead to love reciprocity. Two good looking people may even start loving each other just because they both look good; something closest to what we call \x93love at first sight\x94. Nevertheless, the main point is that so many factors individually or in combination can lead to love reciprocity. Trying to pre-empt such factors is not only stupid but also ridiculous. Such trials to pre-empt such factors can actually lead to never finding reciprocity of love; the reason is simple as, by doing so, first one restricts his/her chances to find reciprocity by his meager knowledge of such factors, and secondly he/she also restricts his/her love for others and thus the chances to find reciprocity; this gives unhappiness to both him/her and others who keep loving him/her in expectation of reciprocity. A certain attraction is definitely necessary for reciprocity, but trying to define factors responsible for attraction is futile. To a great extent, predefined relationships like marriage, \x93love-relationship\x94, etc., which demand high degree of commitment to be in the relationship, are responsible for the futile search. These relationships are so idealistic that it is seldom possible to diligently follow all the written and unwritten rules leading to pre-requirement of a high degree of commitment from each of the partners. Such a commitment is possible only if love reciprocity is enormous or, in other words, \x93true love\x94 has been found. Therefore, people search for \x93true love\x94 so that they can feel safe to commit to a relationship like marriage, \x93love-relationship\x94, etc. This search is futile, extremely difficult and almost impossible as the factors are unpredictable and irreproducible. This futile search for \x93true love\x94 by searching factors responsible for \x93true love\x94 is the biggest resistor in finding \x93true love\x94, so the best way to find \x93true love\x94 is to just stop finding \x93true love\x94. \x93True love\x94 is a misnomer; all love is true. As simple as that! ©2007-2015 Ankur Mutreja

Chapter 4.2.4: Marriage

This one word \x93marriage\x94 has baffled me a lot. It has taken me a decade in transitioning from an ardent follower of the institution to a rebel. Rather, when I first \x93fell in love\x94 at the age of ten, I couldn\x92t think of anything else but marriage. Any other thought, including physical intimacy, was a sacrilege. Thanks goodness ninety other boys had also fallen in love with the same girl, so I was saved from child \x93marriage\x94 \x97 btw, child \x93marriage\x94 is a perfectly valid \x93marriage\x94 in India. Then, I seriously fell in love with a girl, but again it was in adolescence. When other guys of my age were thinking of girls in 36-24-36, I was thinking of her in a bridal dress. Then, somebody told me she was not a virgin (a prerequisite of a marriage-worthy girl at that time), and I lost my love, thankfully \x93marriage\x94 too. Then, I was third time lucky because this time I was saved of \x93marriage\x94 even after proposing (not for \x93marriage\x94, but for love). This time I found an apparently mature girl, who knew these proposals should not be made at the tender age of twenty. Nevertheless, I think, she thought it was a \x93marriage\x94 proposal though I know for a fact it was not because, by that time, I had started rebelling.

Now the golden question: Is \x93marriage\x94 a necessity, or is it just an option?

Well, I think, it is nothing more than an option. \x93Marriage\x94 is a concept which is generally understood as an institution for providing legitimacy to sexual intercourse and the children born thereof, with an externality of providing maintenance to the wife.

The modern view of \x93marriage\x94 has also recognized the benefits of association. However, they have made a big error while doing so.

The modern view, which is influenced by universal values like liberty, equality, justice, individualism, etc, has made a conceptual mistake. The idea of affinity for the benefits of association, which should naturally reflect the above mentioned values, can\x92t be tethered into the formal bounder of an institution called \x93marriage\x94. Each has to find his or her own affinities within or without \x93marriage\x94, irrespective of sexual intercourse. It may be true that sexual intimacy leads to better affinity, but it is definitely not necessary; else there would never be any affinity between siblings. Thus, the modern view of \x93marriage\x94 is faulty, and it is just an exercise into compromising new understanding with old notions without being a rebel.

The traditional views like provision of legitimacy to children, legitimacy to sexual intercourse, and maintenance of women are anti-modern and anti-humanistic.

A thought of providing legitimacy to children is abhorrent. Even if certain kind of sexual intercourse has to be considered anti-social and undesirable, its repercussion shouldn\x92t fall on the child produced out of the act. A child of a prostitute is no different from the child of an institution called \x93marriage\x94. No child can be condemned as a \x93bastard\x94 just because his/her parentage is not recognized by those authorities which are themselves so rotten as to identify and differentiate between children on the question of legitimacy. Providing legitimacy to sexual intercourse through \x93marriage\x94 is a confused outcome of the misunderstood notion of sex. Sex, very much like violence, has been considered as an object of negative fulfillment by religion and society, and, probably, there is also some truth in it, but it\x92s not validated; and it is definitely not sacrosanct enough to curb the natural instinct of gaining carnal pleasure. Men and women are naturally complementary to each other and, among other things, achieve the much necessary carnal pleasure in the most natural way. Rather, in all probability, it\x92s extremely important to fulfill the so very natural desire. The youth no more thinks of sex as a bad notion and is not ready for societal approvals in the form of marriage for enjoying the so very natural joy. Therefore, the role of marriage to provide legitimacy to sexual intercourse is almost irrelevant in the present times. However, should one indulge in sex outside \x93marriage\x94 after getting married, is still a contentious issue. I think, ideally, one shouldn\x92t, especially if there is a strong affinity between the partners and such a trust exist. However, if the partners are in agreement on this issue and/or affinity doesn\x92t exist, sex outside \x93marriage\x94 is not really bad. After all one has to understand that sex *per se* is not bad: it is good or bad only contextually. However, this issue requires deliberation especially because the sex can very well hasten the process of affinity, and a good sex outside \x93marriage\x94 may thus lead to complications and breach of trust on other issues leading to an eventual breakdown of \x93marriage\x94 and, more importantly, the affinity.

The maintenance of wife through \x93marriage\x94 is against the idea of equality and is the cause for weakness of the woman against the man. The idea is probably practical on taking a micro view, but it is highly unjustifiable on taking a macro view. The provision of alimony, for which women fight arduously in

courts, is actually an extension of male chauvinism, very much like chivalry is. Thus, this idea of providing maintenance to a legally married wife, which law also protects, is definitely not in the overall interest of women.

However, there is another relevant issue related to \x93marriage\x94; that is, the issue of providing care and protection, not just maintenance, to children. It is definitely an extremely important issue, and here is where I fail to rebel against the institution. A combination of mother and father, supported by elders & benefited by the association of relatives and friends in a society, is, I think, the best nurturing ground for a child. Single mothers and single fathers can equally well take care of their children, but then it has to be based on some empirical study and its finding. I am not sure whether such a study is important and even necessary. The bounder imposed by \x93marriage\x94 on the family to take care of the children is extremely relevant \x97 and it should be the most important criterion in deciding divorce cases. If not \x93marriage\x94, the bearing of children might require some other bounder, which can be imposed by law too. Such bounder should necessarily check that bearing of child is not brought about against the accepted principles of childcare. Existence of conditions similar to \x93marriage\x94 (\x93live-in\x94 relationship) or the proof of extra-care may qualify. Once such a bounder is put in place, then whether to enjoy the feeling of fatherhood/motherhood is through \x93marriage\x94 or without \x93marriage\x94 is just an option. Even without the bounder, it is still an option: after all, law can\x92t really command the actions of individuals; it can only direct through appropriate means.

Thus, \x93marriage\x94 is very much an option, not a necessity, closely linked to the individual needs of bearing children. An option with put & call, i.e. to give and ask for divorce, till the time the birth of a child becomes a positive certainty, and a strict liability thereafter till the time the children/child gain/s majority.
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Chapter 4.2.5: Relationship Agreement

Since I believe marriage is just an option, I know of other options as well, and one of them is bonafide friendship. I have designed a model \x93Relationship Agreement\x94 for the benefit of those who enter into such relationships. The model \x93Relationship Agreement\x94 is attached below. The agreement may not be usable outside India in its present form, but, with modifications, it can be used anywhere. However, in India or abroad, please use this model \x93Relationship Agreement\x94 at your own risk.

Relationship Agreement

This relationship agreement is executed at _____, on this _____ day of _____, 200_, by and between:

1) Mr./Ms._____
R/o _____
(Hereinafter called the first party)

AND

2) Mr./Ms. _____
R/o _____
(Hereinafter called \x93the second party\x94)

Whereas, \x93the first party and the second party\x94 hereinafter, in this agreement, shall be called \x93the parties\x94 and \x93the first party or the second party\x94 hereinafter, in this agreement, shall be called \x93either party\x94.

Whereas, both the parties are in need of friendship and have approached each other for friendship.

Whereas, both the parties have made true declarations about their marital status to each other, and, if the first party or/and the second party is/are married, the such married party/parties (to this agreement) has/have well informed his or/and her respective spouse/spouses about the terms and conditions of this agreement and has/have obtained free prior consent from his or/and her respective spouse/spouses before entering into this agreement.

Whereas, both the parties have made declarations about their marital status, eligibility to contract, age, sex, health, etc, to each other under oath, and the same is attached to this agreement.

Whereas, both the parties are legally competent to contract, and have agreed to the friendship of each other, and have well-intently without any force, pressure or/and undue influence, and in a sound state of mind, after very well understanding the terms and conditions of this agreement (after the terms and conditions have been read out to them in the language they understand), entered into this legally enforceable relationship agreement (relationship contract) with the following terms and conditions:

1. That this agreement (contract) is made for a relationship in the nature of friendship, which is not \x93in the nature of marriage\x94, and is without any promise, expressed or implied, of any long-term commitment like marriage, live-in relationship, long-term love commitment, and like; and this agreement is not a contract for marriage.

2. That the period of relationship shall be for _____ days starting from _____ to _____.

3. That the relationship shall be without any commitment of trust by the parties towards each other, and the relationship shall not be in the nature of fiduciary relationship.

4. That either party may visit and/or stay at each other\x92s residential and/or other premises with the consent of the party (to the agreement) in possession of the residential and/or other premises, but such visits and stays shall not create any right to residence and/or occupation over each other\x92s residential and/or other premises.

5. That the parties may enter into sexual activities, including sexual intercourse, with each other, without any consideration other than mutual benefit, joy and satisfaction; the presumption about free consent of the parties for entering into sexual activities with each other, during the relationship period, is made on signing of this agreement by the parties; such sexual activities and other activities between the parties may not be construed by anybody cognizant of signing of this agreement by the parties as prostitution or rape or any other sexual offence (as defined in chapter XVI of the Indian Penal Code) or any offence relating to marriage (as defined in chapter XX of the Indian Penal Code) or any offence against the modesty of woman (as defined in Section 354 and 509 of the Indian Penal Code) or an act of domestic violence (as defined in Protection of Women from Domestic Violence Act, 2005).

6. That any party or parties filing complaint under Section 375, Section 354 or

Section 509 of the Indian Penal Code or for any sexual offence under chapter XVI of the Indian Penal Code or for any offence relating to marriage (as defined in chapter XX of the Indian Penal Code) or for any offence against the modesty of woman (as defined in Section 354 and 509 of the Indian Penal Code) or for an offence of domestic violence (as defined in Protection of Women from Domestic Violence Act, 2005) against either party may face prosecution under Section 211 of the Indian Penal Code for making \x93false charge of offence made with intent to injure\x94.

7. That the parties have made declarations under oath, and the same are attached to this agreement; the declaration/s if found false may attract prosecution under Section 199 of the Indian Penal Code against the party who made the false declaration.

8. That the parties shall take adequate precautions and protections before entering into any sexual activity with each other during the agreement period; however, if any pregnancy happens because of the sexual activity between the parties during the agreement period, the party (to the agreement) becoming pregnant (because of the sexual activity during the agreement period) shall have all the right over and responsibility towards the embryo/embryos, foetus/foetusus during the pregnancy and towards the child/children after the birth (if it happens); the party (to the agreement) becoming pregnant (because of the sexual activity during the agreement period) shall inform the other party (to the agreement) about the fact of her having become pregnant at the earliest within all reasonable means; the party (to the agreement) becoming pregnant (because of the sexual activity during the agreement period) is, by law, not entitled to any maintenance (for herself) from or right to marriage with or right to use the name (for herself and for the child/children) of or right to association with the other party (to the agreement) or for any other such thing (in kind or in money).

9. That if either party contracts any venereal disease as a result of the sexual activity with each other during the agreement period, with or without the negligence and/or fault of either party, the party (to the agreement) so affected by venereal disease shall have sole responsibility towards self and others for the direct and indirect consequences of such venereal disease.

10. That this agreement may be terminated by either party before the agreement period without assigning any reason giving ____ hrs written notice to the other party (to the agreement).

In witness whereof, both the parties have put their hands and seals on this relationship agreement on the date first above written in presence of the following witness.

Witness no. 1

First Party

Witness no. 2

Second Party

Declaration by the First Party

I, Mr./Ms._____r/o _____
do hereby solemnly affirm and state as under:

1) That I am an/a unmarried/married male/female of _____yrs _____months of age as on_____.

2) That I am legally competent to contract as per Section 11 of Indian Contract Act, 1872.

3) That I am not suffering from any venereal disease and am not HIV infected and am in good general state of health.

4) That I have well informed and educated my husband / wife / father / mother / guardian / well-wisher (Mr./Ms._____) / nobody about the contents , including terms and conditions, of the above relationship agreement and have obtained his/her/nobody\x92s free consent to me for signing the above relationship agreement.

Place:
Date: Signature

Consent of the Husband / Wife / Father / Mother / Guardian/ Well-Wisher of the First Party

I, Mr./Ms. _____ R/o _____am _____ of Mr./Ms. _____ and, in that capacity, have very well read and/or understood the contents, including terms and conditions, of the above relationship agreement. I have no objection and give my free consent to Mr./Ms._____ for signing the above relationship agreement.

Place:
Date: Signature

Note: Declaration by the Second Party is the same format as that in the case of the first party, and the consent of the Husband / Wife / Father / Mother / Guardian/ Well-Wisher of the Second Party is also ditto the same format as that in the case of the first party. ©2007-2015 Ankur Mutreja

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Chapter 4.3: Women

Chapter 4.3.1: Dress Code for Women

There are two ways to look at individual-society relationship: First, an individual is always under an attack from the community, and, secondly, an individual grows and prospers in the community. How one resolves the conflict depends entirely upon the context in which the conflict has to be resolved: The individual freedom has to be snatched in the first paradigm and understood in the second. The capitalist societies, generally, take the first view, and the socialist societies, generally, the second. Unfortunately, I have not experienced the socialist societies; therefore I can\x92t really comment upon their viability \x97 thought a lot of living in Auroville for some time, but never got time, motivation and desperation enough. So, my views are based entirely upon the first paradigm; i.e., I attach lots of value to individual rights and consider the community almost always a hindrance to an individual\x92s growth and development, and this seems to be the reigning paradigm of North India as well.

Now, here comes the question of dress code for girls. The capitalist societies are extremely confused and complicated: lots of good things are discovered very fast by a few but accepted by all after a long, very long, delay, and that\x92s not only because people are generally slow at accepting new things but also because there are always some very active conservative elements present in capitalist societies, who ensure rejection of anything new. Ironically, the neo-liberals/new-rights have accepted economic development but out rightly rejected cultural development, which has led to lopsided development and is obviously negative. This has happened because the lopsided development is in the interest of business/mafia/establishment; for example, prostitution, pornography, drugs, etc., benefit business/mafia/establishment.

Now, let us examine the question of dress code for women in this context. Well, I think, men is hell bent on making all women naked, and all this debate on dress code for women is part of the same strategy. I wonder who really cares what a woman wears except for some self-acclaimed guardians of society. The long-term ramification of any such debate is pent-up of emotions in women and explosion thereof in the form of public nudity, i.e., in the form of live pornography. But, what\x92s wrong in it? Well, the problem with one gender roaming naked is the complete derogation of the naked gender: clothes are symbolic of civilization development, and depriving one gender of clothes tantamount to its regression to the Stone Age and to its occupation as a slave.

Ironically, women are not in minority, but still they are worst of than minorities; so, safeguarding the women rights is nothing less than safeguarding the minority rights or the individual rights. There just can\x92t be any question of dress code for women: every woman has a right to dress the way she likes, in *burqa* or in bikini. I am sure, if left free, in North India, very few women will chose either *burqa* or bikini; jeans-top would give stiff competition to *salwar-kameez*, but *salwar-kameez* would eventually win \x97 I think it\x92s sexier. And men! Well, they won\x92t be able to rape a woman for wearing or not wearing clothes\x85but, yes, they can always masturbate! ©2012-2015 Ankur Mutreja

Chapter 4.3.2: Rape and Violence against Women

Before anything else, I need to strongly condemn those conservative politicians who don\x92t leave any chance of propagating harsher punishment for rape.

There have been various instances when the sexual crimes against women have been accompanied by extremely harsh physical violence: the Aruna Shanbaug case, the Priayadarshini Mattoo case, the Soni Sori case, the Shanti Mukund Hospital\x92s nurse rape case, the moving-bus in Delhi\x92s medical student rape case, etc. In all the above cases, apparently, the motive was not sexual lust *per se* but some kind of revenge motivated by either personal or ideological grudge. There is hardly any difference between a rape accompanying violence and the violence *per se*; in fact, in all rape plus violence cases, the real crime is that of violence, and the rape is just incidental because of a softer target and the available opportunity. In Aruna Shanbaug\x92s and the Delhi\x92s medical student\x92s cases, the IPC provides for life imprisonment under part II of section 307 IPC; i.e., when attempt to murder is accompanied by hurt; however, section 307 IPC doesn\x92t differentiate between grievous hurt and hurt. In Soni Sori\x92s and Shanti Mukund Hospital\x92s nurse\x92s cases, the highest punishment of life imprisonment is provided for rape *per se* under section 376 IPC. In Priyadarshini Mattoo\x92s case, obviously, the highest punishment is death u/s 302 IPC. However, I fail to differentiate between any of the above cases. To me, all of them are cases of aggravated forms of physical violence against women; women are soft targets, and there is a definite need to protect them from the beasts; however, these are not the cases of mere rapes.

I am convinced that the rape *per se* is not as grave a crime as it is made out to be. There is a very big lacuna in the treatment of rape and other sexual crimes under the IPC. In the case of rape, except for a particular instance of marital rape, it has been left entirely to the discretion of the adjudicating judge to provide punishment as per the facts and circumstances of the case; at the same time, some crimes against women go completely unnoticed because of the inadequate or no treatment given to the infringement of sexual privacy (of both males and females) under the IPC; this gives a chance to the conservatives to demand the harshest punishment of death in all cases of rape, which is obviously arbitrary \x97 I am an opponent of death penalty *per se*, so there is no question of my recommending any kind of death penalty for any crime whatsoever. The wide discretion given to a judge to decide the punishment in the cases of rape is

arbitrary and is reflective of the complete inability of the Legislature to appreciate the fine nuances of the crimes against women and is also reflective of the need to give a comprehensive re-look to the treatment of the crimes against women \x97 it doesn\x92t matter whether it is rape accompanied by violence or it is some other sexual crime accompanied by violence having the effect of ruining the life of the victim.

I hope these conservatives will stop playing with the emotional sides of people because it is they themselves who give incentives to normal males to become beasts at the first place, by projecting them as the superior gender in all kinds of social relationships, including in informal relationships like that of boy friend and girl friend. Gender sensitization is the need of the hour. ©2012-2015 Ankur Mutreja

Chapter 4.3.3: The Need for New Sexual Morality for Teenaged Girls

Morality

There are two concepts of morality: the conventional morality and the critical morality. The conventional morality reflects the moral views of the majority in a society; whereas the critical morality denotes rational or other standards that do not depend upon the majority\x92s point of view. The abolition of Sati, Child Marriage, etc., via law are examples of the triumph of the critical morality over the conventional morality. I personally favour critical morality and care least about conventional morality.

Teenaged Girls

There are reasons to believe that teenage girls are the most difficult. The studies have shown that the mental makeup of girls in this age group is such that they have skewed orientation of life and are extremely amenable to negative external influences in the matters of making sexual choices and in the manner of expressing their sexuality, and some of their most normal sexual behavior can be wrongly interpreted as inclination towards promiscuity. This is especially so in conservative societies like India. BTW, I have nothing against discretionary promiscuity, but I don\x92t think teenaged girls are capable of the discretion.

The Need for New Sexual Morality for Teenaged Girls

As the things stand at present in India, the sexual morality for teenaged girls is entirely conservative conventional morality. And, ironically, their women seniors are the biggest component of the majority. It seems the seniors are living under a guilt and have not been able to come to terms with their own sexualities, which makes me believe that some, or may be many, of the senior women folk in India are living under a volcanic state which, if given sexual freedom, can erupt in forms worst than that of an uncontrolled teenaged girl.

I have neither ability nor inclination to analyze the reasons for the skewed behavioral pattern of teenaged girls. However, I am not in terms with the conservative conventional morality for teenaged girls either. This is especially so now when the technology has become widespread, and the teenaged girls are often subjected to its negative use. The conservative morality naturally leads to the urge for experimentation and, under the circumstances mentioned above, can

have extremely ugly ill-effects. Openness is the need of the times also because it is the same representatives of the conservative morality, i.e. the community leaders, who sanction such ill uses of technology to further their own ends; the direction they are taking the society into is the one in which promiscuity, exhibitionism, and the acceptance of submission in sexual relationships will become the norms for girls and women at large. Further ramifications of this would be acceptance of exploitative professions like prostitution as a normal choice for women. In other words, India will become Thailand. I am not sure what shape the morality for teenaged girls should take, but I am sure if the present state of affairs continue in India, the female foeticide will increase even further, and the family, for which these conservatives argue so very much, will cease to exist in spite of profusion of marriages, and love, as distinct from sex, will become extinct. ©2011-2015 Ankur Mutreja

Chapter 4.3.4: Men May Always Remain Dogs; What about Women?

When I was a kid (around 8 years old), in spite of all the warnings from all the well-wishers, I approached the hottest babe in the school and passed of a chit claiming, \x93I love you\x94. Well, she yet again coolly passed off the chit to the lady teacher. Ramifications: Century for the girl and the caning for me. Yes, I was her 100th victim. I am sure that the lady teacher had never been said, \x93I love you\x94. At that time, I just wanted to grow up fast. After growing up, of course, I have become wiser and know it\x92s making of love that matters; the rest can wait. But, once again, no way do I dare go and say a hot girl, \x93I wanna make love with you\x94. Now, the ramifications can be even stronger. I am sure the lady teachers who have not been made love ever are still around. BTW, \x93sexual harassment\x94 includes making sexual advances.

I have a conspiracy theory: it\x92s only those girls who want to gain popularity make sexual harassment complaints with respect to sexual advances; the others either enjoy or suffer without complaining. So, what a girl requires is not a \x93lady teacher\x94, but the power to say \x93NO\x94. Once so said, she should be empowered enough to take on the beasts, and the law can be of help in this. What they also require is the power to make sexual advances themselves without being termed loose-character. That would be real empowerment! I wonder what sexual harassment we can talk of when a girl can be paraded naked in public under a *panchayat* dictate on having being termed loose-character. A girl is a bitch not because she sleeps with multiple partners but because she waits for the dogs (men) to fight and settle amongst themselves with whom she will sleep. But, looking at the present state of the society, I wonder whether we can find our roots to monkeys or dogs.

So, here comes the bigger question: Are women laws helping women in any manner? The answer is a big no. The underlying idea in all women laws is that a woman is an object used by men, and she needs to be compensated for legitimate uses and protected from illegitimate uses. The existing legitimate uses include marriage and prostitution: There are villages in India where the girls are nurtured with the only objective of making them prostitutes, so they are administered growth injections, the ones administered to the animals. A girlfriend is illegitimate because first she is never compensated for sex, and secondly she also starts enjoying sex in the relationship, which is just not done, and, therefore, all

girls\x92 hostels are infiltrated with hidden cameras, which work as soon as they notice a girl making love with a guy. So, that\x92s what society wants, and that\x92s what women laws help society achieve by giving alimony to women, by allowing only the husband to decide with whom his wife will sleep vide section 497 IPC, by making sexual assault a cognizable offense under section 354 IPC, by allowing for settlement (including financial settlement) between the complainant and the respondent under the Sexual Harassment at Workplace Bill, and by considering the sole testimony of the complainant as sufficient evidence under all women laws irrespective of the occasion.

The message is clear: Society want women to remain bitches and men to remain dogs. Men may always remain dogs, but\x85what about women? ©2011-2015 Ankur Mutreja

Chapter 4.3.5: Working Indian Women and Prostitution

I generally resist from touching this issue because I really don\x92t have solutions. I very well know that, in the job arena, an Indian woman has to face many more complications than an Indian male does. The persistent stereotyping, name calling, compromises, family conflicts, inertia and complacency are all hurdles that a woman has to cross even to enter the job market, and, on entering the job market, she faces even further problems: It is a fact that the job markets are dominated by males, and they react in all manners possible ranging from sexual abuse to patronization; however, more often than not, the true status has to be snatched. And, then there is a constant pressure to get married, which I have completely failed to understand, and the pressure is always self-imposed: why the hell every woman wants to get married?

Ok, I need to admit that the trigger for writing this piece is the movie \x93Laga Chunari Mein Daag\x94 \x97 which, btw, I found pathetic: There are many lacunae in the storyline; the direction is also not good, but, over and above all, it leaves a very wrong message. I want to use the protagonist of the movie \x93Vibha\x94 to see if some solutions can be found.

Vibha is an unqualified, unsophisticated, naive small-town girl, who, compelled by circumstances, comes to Bombay to find a Job. Luckily enough, she finds at least four breaks. In one of the jobs, she is not aggressive enough thus fails; in another, she is not good at speaking English; in yet another, she is unqualified; and another job, she gets, is temporary. Then, forced by circumstances, she makes a compromise and enters prostitution; .first by error, though intuitively aware, and then by choice. The error was in thinking that prostitution is only when money is exchanged.

(The definition of prostitution in law needs to change to start with.)

By choice, she decides to become a high-society prostitute, who has to speak excellent English and behave sophisticated, and, she learns the tricks of the trade!

(I fail to understand why the lady who is so eager to train her for the profession of prostitution was unavailable to teach her skills like computers, English language, etc.)

The lack of skills was the main reason for Vibha not finding a job, and the solution lies in opening skill imparting centers in small towns, especially for women, and this ought to be done by the government unless it wants to use the women\x92s commodification as an economic resource.

When in profession, Vibha becomes accustomed to its ways and, in a way, starts enjoying the profession. Being a high-society prostitute, she is lucky to get lots of money, lives in a lavish house in a high-society neighborhood without any rising of eyebrows.

(This wouldn\x92t be possible for 99.9% of girls joining the profession even if they are highly qualified for it.)

The whole corporate machinery helps her prosper in the profession.

If this is the reality, the law enforcement needs to really get working. What some of the corporates were doing, amounts to various offences under the Immoral Trafficking Prevention Act.

Vibha, after earning money, doesn\x92t make any attempts to acquire skills for other professions and continues in the prostitution profession by choice. The lucky girl also gets an idiot to marry her.

(I don\x92t understand how a person can persist in marrying a prostitute whose only qualification is that, when in trouble, she can utter a perfect \x93Hanuman Chalisa\x94. Only an idiot can agree to marry a willing prostitute like her.)

Marriage is considered as one of the most idealistic institution, in which trust is the most important consideration, and the expected future infidelities can be big question marks. A willing prostitute who leaves prostitution because she gets a rich guy to marry her or is not ready to leave prostitution even after marriage is not fit for marriage: A prostitute has every right to get married and lead a normal life, but not as a prostitute thereafter. The harsh reality that marriage and prostitution can\x92t go together has to be made pretty apparent to all prospective and willing prostitutes (in whatever form and under whatever label). Of course, a woman can make a choice not to get married at all, but I wonder how many women are willing to make such a choice. Last but not the least, prostitution is both the easiest and the worst choice for women: given that the male prostitutes are negligible, prostitution is another name for highly derogatory subordination of women by men. If women have to gain equality in jobs, they will have to become strong enough to say no to part-time and

full-time prostitution not because the society doesn\x92t approve of it or it mars their marriage prospects but because they don\x92t want to be subordinated by men. ©2007-2015 Ankur Mutreja

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Chapter 4.4: Abstract

Chapter 4.4.1: Sex | Pornography | Prostitution | Homosexuality

Sex

 Sex means exploration of biological difference between the man and the woman, unless homosexual. This inquisitiveness is most visible during childhood, not adolescence, because by then people know a lot already. The inquisitiveness of a child is obviously satisfied by a mere keen observation of body parts; if not, it is satisfied in the teenage by watching sex videos, pictures, activities, etc. However, now the need to explore reaches a higher level where a person wants to actually experiment with the body of the other sex and wants to explore the possibility of his/her own body interacting with the body of the other sex. Humans, incidentally, also enjoy this activity of exploration and continue doing it throughout their lifetimes \x97 there is a belief that all animals do likewise though no scientific conclusion has been reached. One of the unintended ramifications of this activity is reproduction \x97 I am sure Adam and Eve would have never thought of reproduction. Since the religion *per se* is dogmatic and can\x92t allow exploration, the society, led by religion, accepted reproduction as the *raison d\x92etre* for sex; however, that doesn\x92t change anything. It doesn\x92t mean that the sex is only when a penis enters a vagina; it is a much wider activity and even includes masturbation; i.e., when a person does exploration by mental simulation without a sexual partner. I don\x92t think sex is a physiological need, not in women at least; and, if in men it is so, it can be satisfied in wet dreams without any efforts.

Pornography

Pornography is irrelevant. It only helps an uncreative person who, for whatever reasons, is unable to manage a sexual partner for experimentation. Pornography helps him in fantasizing and masturbation. Pornography has no more relevance. I don\x92t understand why pornography is so popular on the internet. It means there is something seriously wrong with the society at large. To enjoy sexual activity, a person only needs private time with a good partner, not pornography or, for that matter, \x93erotica\x94. However, I find that, because of the internet and the ease of technology, lots of illegal videos of unwilling participants are being made by infringing their privacy, many a times (or at all the times) with an objective of lowering their prestige and status in the society.

Prostitution

Prostitution is a very serious problem. It emerges in two cases. First, when a person takes the services of a prostitute for his inability to find a sexual partner \x97 it is better than rape. Secondly, when a person takes the services of a prostitute for display of power \x97 it is worse than rape. It is the second kind of prostitution which is disturbing. From the time immemorial, the powerful people have been propagating prostitution. Earlier, there were Kings; then, there were Military Generals; and, now, there are Corporate Honchos. Since women have always been socially weak in comparison to men, most prostitutes are women though, now with Capitalism, men prostitutes are also available: Capitalism has made it an industry. Incidentally, rapes also take place for the above two reasons with striking similarities; so, do we say that Capitalism has made rape an industry?

Homosexuality

I have no idea why people enter into homosexuality. It is definitely unnatural not only because they enter into experimentation with the same sex partners but also because they don\x92t do it out of inquisitiveness but plain pleasure; it may also be practiced by those who don\x92t have access to the partners of opposite sex to satisfy the biological need of the body to feel another body irrespective of sex, but, if it is so, then it is a very sorry state of the society \x97 btw, homosexual behavior amongst animals is a rarity. However, homosexuality, though being unnatural, is an acceptable behavior. ©2012-2015 Ankur Mutreja

Chapter 4.4.2: Corruption

\x93Corruption\x94 is departure from what is \x93correct\x94, and \x93correct\x94 means conformable to a just standard or truth. I will take one example. Constitutional and legal duties have been fixed upon the government employees and the ministers, and they are not supposed to deviate from them, whatever the circumstances, whatever the inducements. As per the original standards, a police officer was supposed to register the FIR on receiving a complaint without any inquiry. The registration of an FIR leads to the judicial check over the Executive while carrying out investigation. However, the Apex Court of this country, in one of its recent decision, has held that a police officer can conduct preliminary inquiry before registration of an FIR, which, in other words, means that many complaints would be disposed off at the level of the Executive itself and will never be reported to the Judiciary. Is this usurpation of the original standard of conduct by a trickery of law practiced by the Executive? The answer to the above question answers many questions about the philosophy of corruption.

Yes, corruption also has a philosophy: It is about usurpation of power from the public and concentrating it in the hands of a few. Let us see how it operates. A poor person wants to seek a license to run a small catering business from his residence-cum-shop. He is advised to obtain a license from the office of the Commissioner, MCD, where, in an ordinary course, he has to pay a bribe of say Rs. 5,000. Now, this Rs. 5,000 becomes his entry cost into the mainstream. The entry into the mainstream gives him a status and the power associated with it. In case he can\x92t afford Rs. 5,000, he stays out of the power, and if he is adamant, he gets that power after a delay of several years. There would be several interest groups who would be interested in the non-entry of this person into the mainstream. First would be the politician because the entry brings the politician into the direct danger of losing the faithful vote bank of the poor person, who never question his motives and also canvasses the most for him during elections so that he can keep running his small illegal business without any fear of the MCD. Second would be the capitalist, who gets his power by making the poor person work in his factory for the minimum daily wages, and any independent business by the poor person makes labor more expensive. However, the biggest barriers are those who are just next in the hierarchy; i.e., those who have established themselves in the mainstream after many efforts, and

now they don\x92t want to share their limited power with the new entrant. I have made the case simplistic by introducing the concept of bribe, but it is never so simple. It is far more complicated, sometimes even leading to sending one\x92s daughter/wife to the dens of the powerful people of all sorts, not just politicians/bureaucrats/police \x97 though I believe that politicians are the biggest beneficiary of corruption; not sure of bureaucrats, but definitely sure of police that they are not the beneficiaries; rather, they are the biggest idiots who think the only way to show smartness is by being corrupt, therefore they do corruption to just be in the business. The above is more so when the stakes are high; for example, when at stake is not an entry into a group of some small businessmen but a few top business tycoons \x97 I have heard stories of at least one top gun, who is associated with IPL, of having sent his wife on one such adventure trip many years ago. **So, that\x92s the philosophy of corruption: Creating such entry barriers to power which can\x92t be circumvented by knowledge, skill, logic, talent and ability alone and can\x92t be surmounted by hard work and sincerity alone.**

It is obvious that a philosophy can be countered only by another philosophy, and what that another philosophy should be is an easy question. ©2011-2015 Ankur Mutreja

Chapter 4.4.3: Right to Freedom from Wrongful Confinement

Thankfully, the humans can now talk of freedom after the abolition of slavery. Now, only the State is left with the right (?) of putting a person behind bars, of course, through a criminal justice process: the process in which a hi-fi criminal gets bail, the investigators fail to get evidence and the prosecution thus files the case; or, the process, in which a poor accused is kept behind bars for 10 years waiting for the trial to start for a crime in which the maximum punishment is 2 years.

However, the bigger problem arises when one realizes that the Judiciary is just an adjunct of the State. A judge is an employee of the State made responsible to keep a check on the excesses of the State. But, what if a Judge ends up promoting the interest of the State under an ideological bias; he wrongly convicts a person, puts him behind bars, and also denies him bail. Is the rebuke from an appellate court (which, btw, rarely happens) enough? What about the precious time the person loses in jail waiting for his appeal and/or the bail application to be decided in the superior court? What is the compensation for that? Shouldn\x92t the Judge who made a blunder while acting under a bias also be put in jail? He is guilty of wrongfully confining a person!

But, unfortunately, no one dare demand such a thing in practice because then he would be put in jail instead under the contempt law (for demanding justice). So, any state which boasts itself to be a democratic state just can\x92t have that portion of the law of the criminal contempt as has been defined under section 2(c)(i) of The Contempt of Courts Act, 1971, because it is directly against the Right to Freedom from Wrongful Confinement of a person. And, also, there can\x92t be any immunity to anybody performing a public duty, whether be it a magistrate, a police officer, an army officer or a minister: The Right to Freedom from Wrongful Confinement can only be gained by ensuring punishment for those who wrongfully confine people.

If any person thinks that the State has wrongfully confined him or is about to wrongfully confine him, the person has every right to be seditious. So, there can\x92t be any law of sedition either in a democratic state because it takes away people\x92s Right to Freedom from Wrongful Confinement.

(I think the Kedarnath judgment is wrong. Incitement of violence can be

punished under other laws; it has no relevance with sedition. Just because Gandhi had a view point doesn\x92t mean it should become the law of the land. The Supreme Court of India is guilty of ideological bias in this case; it should have struck down Sec 124A IPC.)

Last but not the least, there just can\x92t be any non-bailable offenses in a Democracy. The Right to Freedom from Wrongful Confinement is concomitant with the Right to Bail unless finally convicted. The lethargy of the legal system in conducting trials, of the prosecution in presenting witnesses, of the investigators in collecting evidence, and of the police in policing, can\x92t be compensated by putting a person behind bars. Rather, if a person accused of a grievous offense jumps bail, the police station in charge of the place of the residence of the accused should be put behind bars instead. Instead of wasting their time in surveying innocent people under their paranoid tendencies, the police should survey those who have been granted bail. I wonder how anybody can even digest a scheme in which a person can be put behind bars just on the basis of a complaint. It\x92s ridiculous and demonic!

I wonder if there is any country in the world which can at least ensure the Freedom from Wrongful Confinement leave aside the Freedom of Speech, the Freedom of Employment, the Freedom of Association, the Freedom of Religion, etc. DEFINITELY NOT INDIA. ©2010-2015 Ankur Mutreja

Chapter 4.4.4: Jurisprudence: Austin, Kelson, and Hart; They All Say the Same Thing

Jurisprudence, to me, seems to be the never ending trial of the philosophers to justify and reconcile law to the practical, and, in this quest, different schools have defined law in different manner. The most interesting amongst them are the analytical school philosophers. Instead of worrying about WHAT LAW OUGHT TO BE, they have concentrated on WHAT LAW IS. When one does that, one has to identify an evident source of law; and, once so done, the other issues, like the validity of law, become easy.

Austin\x92s method is the simplest and the most frank. He says the law is the command of the SOVEREIGN. The SOVEREIGN is a political superior. If, instead of saying political superior, he had just said superior, his theory would have confirmed to even the present times because today the command of the BOSS has almost become law (or very soon it will). Of course, the BOSS is not a political superior, but he is indeed a superior. However, as many others also do, I even hate to think of any command of a BOSS to be any law. Rather, I even hate to have a BOSS. Then, why shouldn\x92t I, and many like me, hate the presence of SOVEREIGN even because after all the idea is same! So, Austin, and his theory, is rejected outright.

Kelson is more ingenious. He has, instead of attributing the origin of law to a determinate body, identified the source of law in an abstract concept called the BASIC NORM. According to him, the BASIC NORM is that \x93one ought to behave as the individual, or the individuals, who laid the FIRST CONSTITUTION have ordained\x94. Without worrying about what is the FIRST CONSTITUTION, and who laid it, the only relevant thing to understand is that any law made in accordance with the constitution is valid law. Or, in other words, the origin of law can be identified with the constitution. One will have to just accept the validity of the constitution. For example, In India, the constitution laid down by a minority, who were not even representatives of the people, is a valid constitution. Not only this, our constitution, to a large extent, is inspired from the GOI Act, 1935; in the same manner as the stories of the Bollywood films are inspired from the hit Hollywood films. I, and I hope many like me, wouldn\x92t be willing to accept the validity of the Indian Constitution.

Hart tries providing some solution to the problems by introducing the concept of

INTERNAL POINT OF VIEW/INTERNAL STATEMENT. Well, his theory is the most complicated and, by far, the most ingenious too. He says that any INTERNAL STATEMENT about the validity of the primary rule is *per se* relevant to identify it as a valid law, and such statement having been made doesn\x92t require any more justification for the validity of law. Now, the moot question is what is so special about this INTERNAL STATEMENT that we need not ask any further? And, btw, what is the source of law? It\x92s difficult to do justice to his ingenuity over here, so I won\x92t attempt it. Anybody interested in his theory in detail can read it from any standard book on Jurisprudence. However, I should surely state that he has identified the source of LAW in the people themselves. In a complicated legal system, he has introduced the concept of secondary rules, which are presupposed while making INTERNAL STATEMENTS of validity; and, for these secondary rules, he has introduced the concept of effective acceptance of secondary rules as the common public standards of official behavior by officials \x97 simply speaking, the government officials shouldn\x92t revolt \x97 and once this condition is satisfied, and the officials are able to ensure that the people at large obey the rules which are law, out of fear or for any other reason, the system can be termed as a LEGAL SYSTEM, irrespective of whether the people at large feel obligation towards the rules. This is something which should exist in the communist (in the practical sense of the term) legal systems, and does actually exist in the so-called democratic systems, like India, the USA, the Europe, etc. Very simply speaking, it means that a small coterie of people have laid down some rules for themselves by custom, implied mutual consent, etc., and, on the basis of these rules, they lay down/identify other rules as law for the people at large, which rules are ensured to be followed. I, as a free individual, fail to accept this too.

Then, also the moot question: if law is what this small coterie of people lay down for me, do I need to follow it? And, the answer is yes, and this is not out of any moral obligation or fear but because of a practical necessity. Let me elaborate this point. In the present day context, this small coterie of people is the power house of the system, and they are represented by the politicians. They maintain their power by creating occasions for law violation by the powerless individuals, each in their individual contexts. For example, a small powerless businessman will be but forced to bribe a policeman if he wants to do business, for if he doesn\x92t, he will die of hunger, but if he does, he can aspire to join the power house some day; this is what the AMERICAN DREAM is all about. This is a very simplistic situation. There could be more complicated situations;

for example, a young unmarried girl desiring to have outside marriage sex (which is perfectly legal) will not be allowed to do so till she decides to enter the prostitution industry (which is illegal and should remain illegal; solution doesn\x92t lie in making the immoral trafficking legal, as it doesn\x92t lie in making bribery legal). In this situation, the girl has a capability to fight because the need for sex is not as prominent as is the need for food. If she, and others like her in their own particular situations, are able to fight it out, she and the whole system would certainly be better off, and, then, probably a Hart will not have a need to end his note like this:

> *In this more complex system, only officials might accept and use the system\x92s criteria of legal validity. The society in which this was so might be deplorably sheep like; the sheep might end in the slaughter-house. But there is little reason for thinking that it could not exist or for denying it the title of a legal system.*

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Chapter 4.4.5: Globalisation

Globalization is based on the principle of comparative advantage, which simply speaking states that a country will always benefit from opening up its economy to the world and producing what it has comparative advantage in producing (may it be prostitution/sex tourism). Comparative advantage doesn\x92t necessarily means absolute advantage: it only means that if Country \x93A\x94 can only produce product \x93X\x94 with any relative advantage, whatsoever, and the whole world can produce the same product \x93X\x94 overall better than Country \x93A\x94; i.e., with better absolute advantage but lesser relative advantage; i.e., the world can produce other products with better relative advantage; then it should let Country \x93A\x94 only to produce the product \x93X\x94. This will be beneficial for all; of course, Country \x93A\x94 should be able to produce enough for the whole world or else should share the responsibility.

Isn\x92t the above idea brilliant? Well, it is! It is actually the most idealistic thing that can happen to the world. No one would ever be poor, but only if Country \x93A\x94 is given a written guaranty that it shall never be affected by speculative currency movements, that it shall not be limited by resource constraints both material and human, that its people shall always feel happy producing product \x93A\x94 only, irrespective of their talents and aspirations. These guarantees are extremely important because nobody seems to be creating situations for such a scenario to develop. The economic superpowers just want to jump onto the globalization bandwagon. When you ask them why not allow free movement of men along with goods, they say it will disturb the cultural system. When you ask them why not allow a single currency for the whole world so that there is no chance of any speculative currency movement, they say it is impractical. Well, both their arguments are completely adequate, but then Globalization without free movement of men and goods would be partial Globalization.

Let me elaborate upon their arguments a bit further to give them some credit. The first argument is self explanatory. The countries around the world are divided on the basis of strong religious and cultural values. USSR did try forcing common culture throughout the Union but couldn\x92t succeed. The USA seems to be trying the same for the world, and I have no doubt that it will also fail badly; rather, the USA still has a lot to discover. There just can\x92t be a

common global culture, and no one can give any direction to the emergence of any cultural interchange either. This is something which has to evolve itself, and any direct or indirect efforts to hasten the process may lead to social unrest. At present, at best, the people with strongly aberrant cultural values to their local culture can migrate to compatible foreign cultures and bring about merger of common attributes.

Similarly, a single currency for the world can not be permitted because it will be inefficient in dealing with local economy level imbalances, which can be handled better in a flexible exchange rate system. The single currency would create problems in handling country level issues without affecting the world at large. It can at best be implemented in a region where the constituent countries have similar economies, and the people are ready to move freely with in the region, for example the European Union. One can even thing of combining the currencies of \x93USA + Canada\x94, Europe, and Pacific Rim at some stage, but clubbing the economies like the Arab League, Central Asia, CIS, Sub-Saharan Africa, Latin America, China, Indian Subcontinent, etc., with the above three regions is just unthinkable at this stage. These regions have a lot to discover. For that matter, even the merging of culture can happen at some stage, but that would be commanded by precedence to humanistic interests over parochial religious interests, and this doesn\x92t seem to be happening in any perceivable time period.

So, what\x92s the hurry to have free economic borders? Can\x92t it be seen that a small country producing few goods or a large but poor country like India will become extremely dependent upon global events? Can any body stop speculative currency movements and their negative effects on these countries in such a scenario? Moreover, this can lead to growing human dissatisfaction in the local population in absence of finding the work of their choice. Different people have different aspirations; they can\x92t be restricted to the choice of a career by a novel idea called Globalization. Isn\x92t it ironical that the same idea which boasts of economic prosperity fails to answer the basic question of human prosperity? Everything can\x92t be measured in terms of economic gains; it would be prudent not to force Globalization on everybody, and let the weaker nations discover their path to economic and social prosperity (extremely important) before sharing it with others. Till the time it happens, just wait and watch or render help as a disinterested friend. ©2008-2015 Ankur Mutreja

Chapter 4.4.6: Money: Power or an Illusion!

Money is the biggest irony of the present times: a creative illusion of the man to provide convenience but having become an illusion bigger than the mankind itself. It is the second biggest illusion after \x93God\x94, and, with the speed it is spreading, it seems the \x93God\x94 is in real danger. The main cause for such an illusion is the ill-consideration of money as power. This is the biggest mistake people make. A person has a life span of 60- 70 years, out of which, for the first 20 years, he/she has no money, and then suddenly he/she has the lust for money. For the next ten years, he/she just wastes time creating opportunities for generating large amount of money for himself/herself. Initially, it is for the purpose of financial security, which most people fail to achieve by the age of 30, and those who do become so enamored by the color of money that they start misconceiving money *per se* as the only source of power. However, the fact remains that money *per se* doesn\x92t give any power; it can be a shortcut to gaining power, but, for that, a necessary precondition of lots of accumulated wealth without any fetters should exist, which rarely is the case. There are very few lucky people like Bill Gates who have generated huge money in a short span of time and then used it as a source of power. However, most people earn lots of money, but no power. These people would include entertainers, sport stars, celebrities, big corporate executives, etc. They do accumulate lots of money (say by the age of 40 on an average), but no power. Their power is akin to that of the light emanated by the moon, which is only a reflection. This is because the above-listed supposedly rich people do generate lots of money and are even often celebrated as the powerhouses of the world by the media, but they make so many compromises for accumulating their money that they literally put their power on mortgage for the money they generate; in the bargain, they lose all their happiness and peace spending rest of their life paying obscene maintenance rents on the power mortgage, which they no longer possess as of right. So, their power is like the one which can just be exhibited but can never be put to any good use because the moment it is used, one loses the ability to pay rents and thus risks losing the entire mortgage. If that\x92s the power money *per se* generate, it can only be called an illusion and nothing else. ©2008-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 4.5: Social

Chapter 4.5.1: New Age Journalism

The internet is going to cause a paradigm shift in journalism is now a banal statement; however, the statement is not out of fashion yet. In fact, I think, this proposition is worthy of a degree of credibility, but not as simple as it sounds. The internet has by far emerged as an excellent medium to share free information first and to build brands second. Whenever one thinks in terms of brands, it becomes difficult to separate the brand from its worth measured in the terms of financial goodwill it generates to the underlying business/activity. However, the fact remains that brands are all about trust and can\x92t really be quantified in the terms of money. So, I won\x92t enter into the exercise of profitability quotient of journalism on the internet while talking of brands. Rather, I am making a far-fetched presumption that one day journalism as a full-time career will cease to exist, and all journalism will be part-time vocations.

As a layman, I can easily recognize two significant divisions in the present day journalism: News and Opinions. News is generated on the ground, collected by the reporters, transferred to the central agency, processed therein and published or broadcasted in one form or the other. The well recognized news agencies in India are PTI, ANI, IANS, UNI, PIB, etc. Most of the times, a layman doesn\x92t consume news directly from these news agencies but through some better known intermediaries like NDTV, The Hindu, HT, IBN, India Today, Times, IE, etc.; and, of course, these intermediaries also have armies of reporters, who collect news directly, but, I think, the real news is reported through any of the afore-mentioned news agencies only, and the focus of these intermediaries seems more to be that of publishers and broadcasters. These intermediaries are definitely profit centers and have come to be recognized as corporate media. Another focus of these profit centers is to generate opinions, whether through their own ilk or through guests or, for that matter, through their audience and readers. Both individual and group brands have been established in this corporate media.

In reference to journalism, at present, the internet is restricted to promotion of offline brands on the internet especially through SEO promotion. I don\x92t recognize the present social media as any kind of journalism. The present form of news collection through social media is suspicious and even dangerous, and the opinion makers have not yet gained the desired credibility: they are either associated with offline brands or else they are, at the best, amateurs. I am damn

sure that the internet can\x92t be used for B2C ecommerce in the case of journalism: nobody will ever pay for consuming news and opinions, though it is quite possible that opinion makers might pay for promoting their opinions, but that would be B2B ecommerce, and, given the ethical resistance to paid news, I don\x92t think B2B commerce/ecommerce can ever become a legitimate business activity in journalism. So, for me, journalism on the internet can prosper only if the individual brands associated with opinion making but without any significant permanent address even on the internet, emerge as credible alternatives to the offline brands promoting themselves online with permanent web addresses, whether individually or collectively. The news collection can\x92t and will never become an internet activity; the off line news agencies and the corporate media will exercise considerable control over news collection and reporting, and the online journalists/opinion makers will have to rely upon these sources, which will always keep the offline journalists at an advantage over the purely online journalists/opinion makers.

However, even after drawing such a sad picture of online journalism, I am sanguine that the new age journalism will be more ethical and professional. The counter from the purely online journalists/opinion makers would be extremely forceful as they will exist and survive only if they are able to build a very high degree of credibility, which will automatically expose the fraudulent character of the corporate media and thus make it a non-profitable proposition. Of course, the ramification could be extensive so far as to make full-time journalism a non-viable vocation, but how soon or how late it will happen is anybody\x92s guess.

Note: The above is subject to an assumption that the state controlled media will cease to exist sooner or later, so I have not even discussed it. ©2014-2015 Ankur Mutreja

Chapter 4.5.2: Terrorism

When I google the phrase \x93terrorism definition\x94, it throws up the following definition:

> *The **unofficial** or **unauthorized** use of **violence** and intimidation in the pursuit of **political** aims.* (Emphasis supplied)

The above definition is applicable comprehensively within the territorial jurisdiction of well-recognized sovereign entities like the US, Russia, the EU, etc. I have deliberately not included India, Pakistan and China in the above definition as these countries don\x92t have comprehensive control over the domestic politics over which they claim territorial jurisdiction. A state would always call any challenge to its sovereign territorial claim as terrorism; however, the voice of a state can\x92t be taken as the final word by a neutral observer; therefore, all the lists released by the State or sovereign bodies listing terrorist organizations are irrelevant as far as the general populace is concerned; these lists are relevant only to the public servants in discharge of their public duties and to the sycophants who accept formal and informal gifts and awards from the State.

The above definition is more or less functional except that I would not like to club intimidation with violence: violence *per se* is enough to qualify as terrorism. The only differentiating factor between terrorism and the state action is the officiality and the authority of the state initiated violence; if the state violence is unofficial and unauthorized, then it should also be called and would be called terrorism. An action may be unofficial if it has not been deliberated enough; for example, if the Indian Army Chief unilaterally enters his combative forces in the Naxalite areas, or the Indian Home Minister directly employs CRPF in the Naxalite areas without involvement of the State Government concerned or, for that matter, of the Union Cabinet. Similarly, if a state police force arrests a person using violence in a non-cognizable offence without an arrest warrant from the magistrate concerned and keeps him arrested even after noting his personal details, it would be unauthorized. So, the possibility of terrorism by the state forces is enormous, and they can\x92t be exempted from the definition of terrorism just because the CrPC exempts them; the purposes are obviously political as the purpose of the criminal law *per se* is to maintain the peace of the King/State.

In light of the above, other than the State, there are many other forces ranging from the Bombay *Mafia* to the IM which would qualify as terrorists in India because their acts of violence are politically motivated and, obviously, unauthorized and unofficial. However, I want to make two exceptions: first, the Kashmir Valley is a disputed territory and is strongly claimed to be in occupation of India not only by many Kashmiris but also by Pakistan, and, if the disputes gets revived in the UN \x97 as it looks like it very soon will \x97 it would also be claimed so under the International Law; secondly, the Naxalite areas, where the Indian Government has a meager presence, thus it doesn\x92t exercise complete sovereign control over the Naxalite areas. The definition of unauthorized and unofficial might be subject to the International Law in these two areas, and some of the actions of the Kashmiri \x93militants\x94 and the Naxals may not be considered as the acts of terrorism by the International Law, especially if they can prove their actions to be in accordance with the rules and constitution governing themselves \x97 Hamas in Gaza falls in a similar category.

Now coming to Global Terrorism; I fail to recognize it; furthermore, the term itself is an oxymoron. When there is no global sovereign power, how can there be any global terrorist: the two warring countries would always term each other as global terrorists, and the International Law is not mature enough to arbitrate. Just because some forces operate across borders doesn\x92t mean they are global terrorists; they might get qualified as terrorists in two or more countries, but the qualification stops there and goes no further \x97 if the pirates had any political motives, they would have certainly qualified as global terrorists under the International Maritime Law, and Captain Jack Sparrow would have been their undisputed brand ambassador; or, on second thoughts, probably the MNCs do qualify as global terrorists: they do all that the pirates do albeit, pretty often, with a political motive too.

But, the terrorists who scare me the most are local politicians and other \x93micro\x94 terrorists: they use violence unauthorizedly and unofficially with a clear political motive \x97 the AAP, probably without realizing it, tried regularizing some of the terrorist acts of local politicians through the Nagar Swaraj Bill. While talking of \x93micro\x94 terrorists, the definition of violence can\x92t be restricted to just physical violence; it should include all kinds of violence: psychological violence, emotional violence, sexual violence, verbal violence, and, of course, physical violence. Given this wide a definition,

anybody in the position of power is a potential terrorist, and the most successful people in the society are also those who practice terrorism, so **Go Ahead and Join the Club**. ©2014-2015 Ankur Mutreja

Chapter 4.5.3: Bureacracy Is Good

Bureaucracy is good. Bureaucracy checks corruption. Now let me explain why I am making such unpalatable statements.

Below is a definition of bureaucracy quoted from an online dictionary:

> *A system of administration wherein there is a specialization of functions, objective qualifications for office, action according to the adherence to fixed rules, and a hierarchy of authority and delegated power.*

Adherence to fixed rules is what attracts me the most. Assurance to this adherence is actually an assurance of non-arbitrariness and thus equality, and it does work: the only requirement is that of an informed and active citizenry. Neither privatization nor decentralization/localization on the lines of Delhi\x92s Bhagidari Scheme is an effective replacement. The private sector is obviously arbitrary: the only rules they follow are the ones laid down by the Big Bosses, which change every second minute; and the Big Bosses are also invisible, so they can\x92t be taken to courts \x97 it\x92s like fighting an unknown enemy. Decentralization/localization leads to politicization: it\x92s the most basic universal principle of sociology that people make stupid choices in groups; politicization is obviously group decision making, so it can be good only for those who either control group decision making or those who live their lives in dreams.

Another big advantage of bureaucracy is the initial qualification and the varied specialization. It may be true that an IIT-IIM graduate has a much higher IQ, but he can\x92t have the wisdom of an ICS officer, which comes only with knowledge, and the ICS officers get this first mover advantage because they actually gain lots of knowledge while preparing for their entrance examinations, and I don\x92t think the UPSC will select rank idiots as civil servants, so the IQ is also not bad. In fact, the kind of exposure a civil servant gets in the very first year of service is not to be seen for at least five years of service in the private sector, and that high quality experience of the first five years does make a lot of difference. Moreover, the private sector has straight-jacketed and boring jobs, which anyways curbs intelligence and creativity. The local politicians need not even be discussed: they only have grey hairs, wide spectacles and lots of dogma; the intelligence and creativity is a far cry.

The biggest problem with bureaucracy is inefficiency, and that\x92s mainly because of hierarchy and delegation. The higher officials are generally inaccessible, and the delegates are the ones who control the market for bribes \x97 a head clerk is generally the one who supervises the bribe market and fixes the bribe rates; the entry barriers are generally very high, therefore the agents charge abnormal premiums, even 10 to 20 times the actual bribes paid. The easiest way to check inefficiency is to use technology, but which is conspicuously absent in government offices \x97 I fail to understand why people need to line up at a DC office to fill forms, and why clerks need to make paper notings and physically file them for approval from the higher officials. I think the technology is not utilized deliberately in order to keep the friction and grease the palms. But, with the advent of RTI and activism in general, the patient people can still get their work done sans bribes and sans adjectives. The only advantage of private sector over public sector is high and efficient use of technology, but its benefits go to a few entrepreneurs, not public. Decentralization/localization would be disastrous because that would lead to slavery of people by politicians, which even now happens to a very great extent in cities like Delhi, where the proximity to politicians is the most important qualification.

I would anytime prefer a conceited but wise *Babu* to a corrupt politician or a goggled executive with hands in his pockets. ©2013-2015 Ankur Mutreja

Chapter 4.5.4: The Internet

I first thought of writing on this topic under my writings on politics, but, I think, the internet hasn\x92t reached that kind of penetration yet; at least not in India. Nevertheless, the world of the internet is fascinating.

A little bit about technology first. The most intriguing feature of technology is its ironical disposition to act both as a medium of individual liberty and a biggest curb on it through infringement of privacy. Therefore, the first thing I look out for before choosing a gadget \x97 which I rarely do \x97 is to look at the ability of the gadget to enhance my liberty without compromising my privacy. And, I think, the best gadget I have chosen so far is my USB hard drive because I know my ISP is constantly monitoring the activities on my internal hard drive \x97 kept lots of porn on my hard disk for some time to entertain them, but then I actually got worried about the privacy of those poor girls who had been shot furtively, and that\x92s the most serious problem of technology. The above should tell something about my disposition: I am an off-gadget guy, but I am enamored by the internet.

The fascinating world of the internet is fast becoming unavoidable. Rather, for a person like me, it has to be a habit. I believe, other than porn, the most visited sites on the internet are the social networking sites with the FB leading the herd, but, I think, the FB will either collapse under its own weight or become irrelevant. And, I have reasons to so believe. The other day, I was watching some interview of Fatima Bhutto, where she made an interesting comment about the FB: she found the addiction of people to the FB very weird as it doesn\x92t serve any useful purpose like addition of knowledge, skills, etc. Though I don\x92t agree with her comment that peeping into the private lives of people is weird as the man has been doing it for ages now, but the way it is being done on the internet is definitely weird: peeping into other people\x92s lives has become so mechanized on the internet. After the initial excitement, I think, it will die down itself. The reason for my belief is funny. There is a small side-show \x93*chahca ke bathule*\x94 on Red FM; in one of these, the \x93*chacha*\x94 claims the credit for the creation of the FB, for he was fed up with the daily bickering of his wife with the neighbors and thus invented the FB; and, the rest is history. Well\x85I believe Zuckerberg also started with something similar but then lost his way; I wonder how people get the same fun in fighting on the FB as they do in *mohallas*; the bickering on the FB can only lead to the *Malini*

Murmus. So, I don\x92t think the FBs of this world have any future unless they reinvent themselves, but the FB is trying too hard to justify itself. The Twitter also needs to do something new, the micro blogging concept is cool, but the follower-ship, especially of the celebrities, stinks. The others, including Google Plus, have not yet started picking pace.

However, the internet doesn\x92t start and end with the FB. The real fun on the internet starts with the freebies. Once I found a small dog caged inside a drain; it seems somebody covered him with a stone to prevent him from escaping \x97 yes, the people eat dogs here. I removed the cover, and, on being freed, the dog ran on the road like a mad dog as if he would never get a chance to run again. Something similar happened to me when I first heard of \x93Download.com\x94. I downloaded everything, just about everything\x85even a funny software on how to create ghost voices \x97 I hope the dog was not actually mad. But, now I have realized that the real fun lies in the Freedom of Information which the internet provides, and that may well revolutionize this world. The biggest problem, at present, is the random flow of information. I agree the sincere and hardworking people would have found their ways by now. But, for a lazy person like me, who keeps opening the same Google all the time, this abundance of information is really very difficult to manage. I think the next big idea on the internet would be the one which will do something about this problem, i.e. the random flow of information.

Closely linked to the freedom is piracy. I think those who are fighting piracy, or, should I say, trying to fight piracy, on the internet are wasting their time; they just don\x92t understand the power of anarchy. The anarchy has always failed because people, when in close contact with one another, start thinking of their respective statuses, which creates problems because the status gives power, and the power begets politics, which is always ugly offline. The best thing about the internet is the anonymity it offers, where the power and the statuses may not necessarily be interlinked, and thus the power needn\x92t necessarily lead to ugly politics; and, if practiced religiously, the anonymity, in fact, leads to security and order. I am a firm believer that, both online and offline, the true source of power is knowledge sans infringement of privacy. When online, if one wants, one can protect one\x92s privacy to the most ridiculous levels; but, when offline, in the present times, one can\x92t think of power without infringing someone else\x92s privacy. I think, after saying so much, I don\x92t need to mention that I give a damn about the internet piracy except for authorship

protection. I just want free information.

Last but not the least, the security on the internet is a real issue. I have a simple formula: Build a separate drawing room detached from the rest of the house and open its door for all and sundry. So, all the hackers, be my guest; you will not find anything except may be some stupid case laws, which anyways you can download freely on the internet \x97 ok, I admit I can\x92t afford a separate drawing room, so I have created a partition, but sometimes it does create problems. So, going by my formula, the internet can\x92t be used for any confidential work online. In other words, the concepts like cloud computing should fail, but then I am not a geek.

Well\x85I think I should have never downloaded those porn: Privacy is the most important right of individuals, and no system can substitute for individual morality. ©2011-2015 Ankur Mutreja

Chapter 4.5.5: No Entry for Politicians...Dogs Considered

Sometimes, I really wonder what purpose these politicians really serve. However they are, at present, the most important ingredient of the democratic, as well as the communist, countries as they make law. And, the power to make law gives them the power to rule and to blatantly break and manipulate all laws they make and thus to make the importance of laws equivalent to cipher.

The politicians, as a class, have replaced the autocratic rulers of the past, and what worse, with the advances in technology, they have gained even larger control over the lives of the people. This class is growing day-by-day, especially in strongly democratic countries where each and every person gets an opportunity to practice politics in their workplace, in social groups, with friends and even within families. The politicians are the flag bearers of collectivism and, ironically, are also the loneliest souls in the world. They are surrounded by all sorts of people but can\x92t trust even one. It\x92s a pity that a single person in pursuit of power and control over the lives of others becomes a non-living creature himself, without any self respect, without any peace, without any integrity, and without any heart. However, the more alarming is the spread of politics into the lives of the people. It is unimaginable to think of a world where everybody would be acting like a politician: existing as an isolated non-trusting individual, concerned only with his own power, status and ego.

Knowledge is an antidote to politics because with knowledge a common man can challenge the arbitrary mechanisms of the politicians: he can, instead of going to the politicians for justice and in turn mortgaging his own power, explore the legal mechanisms for maintaining and even gaining power, and when more and more people would resort to legal recourse, the legal system is also bound to change weeding out judicial inefficiency, corruption and distrust from the legal system. However, unfortunately, the lawyers are themselves most involved in politics concerned only in saving their preferential status achieved through close contacts with the politicians and the police. Therefore, it is necessary that the law should come out of the grip of the lawyers, the police and the politicians: a common man should become interested in his own protection and more and more plaintiffs-in-person and defendants-in-person should be seen in courts fighting their own cases.

Similarly, the knowledge of science, literature, sports, arts, etc., can make a person rely more on his own innovations to gain inner peace rather than relying on the half religious, half political ways of the politicians. The close links between the Godmen and the politicians have surfaced many times in the past. The politicians, as opportunists as they are, use religion for achieving their mean purposes. Local *ramlilas*, *jagrans*, religious discourses, religious events, etc., are organized at a very huge scale while pushing already illusioned people more into the grips of these Godmen: the religious events become the platforms for spreading political messages. However, a knowledgeable person can easily see through the mirage created by these politicians and can separate the grain from the chaff.

Last but not the least, the knowledge of finance and technology has become extremely important today, especially in capitalist democracies like the USA and the UK. In these places, the politicians use the power of money to increase their own power and to increase their control over the people. In this, they get full support from the big business houses. Of course, these big business houses also want to retain their own power through money. Not only that, they also have vested interests in the growth of the power of money *per se*. Well\x85this is a veiled attack on the power of the politicians. The best example in India of such a system is Gujarat. Everything is wrong over there: The State itself has acted as a terrorist; the law is highly authoritative in complete disregard of individual rights, for e.g. the Freedom(?) of Religion Act; the people have become extremely jingoistic; the money has become all important; and the police, the business, the media, the religion and the politicians act in tandem to curb individual rights in the name of economic prosperity. No wonder India Inc wants Modi to become the next PM.

A society can prosper while respecting individual freedoms only if the role of politicians is marginalized/extinguished, which can happen only if every door on every street reads, **\x93No Entry for Politicians\x85Dogs Considered\x94** (the word \x93Dogs\x94 is included because it looks nice that way, no offense intended towards dogs). ©2009-2015 Ankur Mutreja

Chapter 4.5.6: Prostitution Industry

Prostitution, as an industry, originates at two levels: its genesis can be found in the status of women in society; however, it gets the vital boost from the fast emerging irresponsible Capitalist World Economic Order. Let me elaborate my point further. Men and women are naturally complementary to each other, and, among other things, achieve the much necessary carnal pleasure in the most natural way. However, sex, very much like violence, has been considered as an object of negative fulfillment by religion and society, and probably there is also some truth in it, but it\x92s not validated and definitely not sacrosanct enough to curb the natural instinct of gaining carnal pleasure. Rather, in all probability, it\x92s extremely important to fulfill the so very natural desire.

The logic of gaining carnal pleasure must have been so profound that religion couldn\x92t stand against it and institutionalized it in various forms in the society. For the common man, it got institutionalized in the form of monogamy, and, for the powerful, in the form of polygamy and prostitution (courtesans, *devdasis*, etc.). However, in all its forms, it only exacerbated the already weak condition of women in the society. The man was always in a paradoxical state of ironical confusion. On the one hand, he never wanted to see his dear ones to enter the prostitution industry for he knew the woman was being exploited, whatever the showcasing; however, at the same time, he couldn\x92t resist the need for carnal pleasure through mean alternatives; so he never let prostitution be institutionalized for the common man, but he didn\x92t mind its use by the powerful. It became a natural division in which the woman were altogether forgotten and commodified as the sources of carnal pleasure and nothing more. Thankfully, with time, the stress on sex in marriages has reduced, and, gradually, the commodification of women in marriages and similar relationships is getting eliminated. It would actually be prudent to completely dissociate sex as an issue of importance in marriages and treat it is an important subject in itself and thus find solutions to its misunderstood connotations.

However, the other commodification which was in the form of prostitution and allied industries gets even further boost in the present times of irresponsible Capitalistic World Economic Order. The examples are in abundance to exemplify the above hypothesis: The flourishing of sex trade as an industry in the so-called emerging economies, where the government doesn\x92t even mind claiming the women\x92s sexuality as an economic resource for development, is

one of the most obvious example. What is this if not well organized commodification of women? Legalization of prostitution also does the same in disguise of giving rightful identity to prostitutes in society \x97 there are certain things which just can\x92t be justified by their practical importance, and legalizing prostitution is one of them.

With the advent of pseudo-feminism, the definition of prostitution has changed slightly by also including males as a source of carnal pleasure for the powerful, both women and men. Probably, this is something which has its root in the propensity of human beings to suppress the weaker creatures. So, in essence, Capitalism, which acknowledges and propagates the superiority of one human being over another (with which I have no problem), when practiced irresponsibly, propagates and even institutionalizes the ills of the society; and, in such circumstances, we create more problems than we solve.

I don\x92t know the solution to the basic problem of understanding sex in a dignified manner. But, I have definitely understood that prostitution and allied industries, which treat human beings as commodities (euphemistically brands) and can\x92t give true respect to the subjects of the trade, can\x92t be justified in any manner, whatsoever, and are definitely undesirable. ©2007-2015 Ankur Mutreja

Chapter 4.5.7: The Celebrity

The life of a celebrity revolves around two things: money and fans. Both these things are extremely transitory in nature and are extremely dependent upon the mercy of others, especially media. The media, whose hunger for money is much stronger than what an individual celebrity possesses, obviously gets motivated by other factors, which are under the control of some other power groups, who derive their power from multiple tools, including money. So, in effect, the life of a celebrity gets controlled by these other powerful groups. These interest groups can be the forces, the government, the corporate, the religion, etc., acting alone or in combination depending upon the local factors. Any effort by a celebrity to oppose such control leads to his/her media bashing and an obvious loss of fan-following. Unlike a ground-level politician or a ground-level activist or a religious leader or a preacher, a celebrity is never in real touch with the people. He/she inspires neither fear nor sympathy in the minds of the people: An Amitabh Bachhan is loved till an Amar Singh is ready to pay his debts, else he is a fool; ditto for a Micheal Jackson or a Shoiab Akhtar. Irony is such that a celebrity even inspires a certain degree of envy in the people, and the sadistic side of the masses enjoys media bashing of a celebrity. The biggest loss to a celebrity is the tradeoff he/she makes between money and his/her personal space: His/her personal life becomes available for public scrutiny for no good reason. The situation worsens when a celebrity is not wise enough to understand his/her deplorable situation and starts considering his/her artificial status as powerful. In such a case, he/she uses his/her artificial status for gaining loose favors from the system. These favors don\x92t affect the power groups and, thus, are allowed; however, the moment these favors start challenging the establishment itself, they are denied, and the denial is often accompanied by a series of mild punishments or a single stroke harsh punishment. This becomes difficult for a celebrity to absorb, and such sudden realization causes frustration, depression, and, sometimes, even suicide. The same is the case when a celebrity tries too hard to oppose control. In such a case, the power groups increase the control over the celebrity using plethora of tools like psychology, sociology, criminology, etc., however, oblivious to the knowledge of the celebrity.

But, all is not bad; there are positive too. A fame gained over a period of time through real performance is reflective of sustainability, and there are celebrities who achieve this. They check the role of media to a manageable level; they

chose their partners carefully; they are good businessmen, who understand strategy; they use money not only for buying luxuries for themselves but also happiness for others; they network deeply enough to help them manipulate situations, but they generally keep aloof; they nurture other interests for a rainy day; they learn as many languages as possible, and they don\x92t expect anything from their fans. However, such celebrities are very few; if they were more in number, the things would have been better because celebrities are generally good people. ©2007-2015 Ankur Mutreja

(Do checkout my book: Annapurna Circuit Trek: Fairy Tale of Love with Nature)

Chapter 4.6: Political

Chapter 4.6.1: Maoists Are Relevant!

One of the most important ingredients of a civilized society is the recognition of responsible rebellion. I stopped writing about the Maoists, positive or negative, when they started acting irresponsibly by killing non-political civilians because it is dangerous to publicize irresponsibility even while condemning it, for all publicity is good publicity. But, in the changed circumstances, they indeed deserve publicity; so at least I am writing about them for whatever it is worth \x97 also, off-late, the Maoists have not been in bad news too very often.

The Maoists are the most relevant alternative political force in India today. In a democratic setup like that of India, the political forces are either on the right side of the law by fighting elections and obeying the command of the security agencies or else they are outlaws by not only disobeying but also attacking the security agencies and the like by forming their own armies \x97 yes, the things have not changed much to stop thinking that the security agencies don\x92t run this world; the military and the intelligence agencies of the States run this world even now; period. In India, the right-side political forces have more or less merged towards a US-centric, pseudo-liberal, conservative ideology. In this ideology, the combination of business and military decides the strategy, and the part and parcel of the strategy are also the activists, who, more often than not, are nothing more than make-up celebrities. So, there is a perpetual vacuum for the justiciability of the rights of the people, the PILs notwithstanding. In other words, the rights have become irrelevant for getting justice as the politics has become all-encompassing.

In such a scenario, the poor and the marginalized are left with no choice but to take recourse to the outlaws for getting justice, and if the outlaws can deliver justice, their methods automatically become institutions, at least in the limited sphere of their operation. So, it is these methods of the Maoists that have gained wide acceptance amongst the tribals in certain areas of India, and which have come to be known as alternative government as \x93*Janatana Sarkaar*:\x94 The methods are not well documented. My only instant-noodle source of information of acceptable credibility is one essay (Re: \x93Walking With The Comrades\x94, Outlook magazine, March 29, 2010; http://www.outlookindia.com/article.aspx?264738-0) written by Arundhati Roy in which she called them \x93Gandhians with a Gun\x94 but later retracted \x97 I am not really sure if she is also a make-up celebrity; however, if she makes her appearances *sans* makeup, she is a

natural beauty. Following are the highlights:

1. The Maoists fight for the rights of the tribals against police, *zamindars*, forest authorities, etc.

2. The tribals live their normal lives, nevertheless, in jungles; they dance, play and celebrate under the auspices of the Maoists.

3. Both boys and girls join the armed forces of the Maoists and fight side-by-side (the most important feature).

4. The educated liberals, especially professionals, are in high demand.

5. The life is tough for the guerrillas; they sleep less, dream more and act circumspectly; some of them ride bikes, but most just run.

6. The Maoists are well-informed about the rest of India and the world, through their limited channels of communications.

7. The Maoists are \x93Gandhians with a Gun\x94, which literally means they follow *Gram Swaraj,* but, metaphorically, it means they resist like Gandhi albeit with guns, but their methods are peaceful, and the gun is just for self-defense.

Now, here comes the question of relevancy of the Maoists in urban India. The current situation in urban India is becoming more or less like Dantewada forests: Politics has become the only recourse to justice; for some, the fight for justice has turned into a fight for means of survival especially food; women, at large, are being turned into prostitutes, by force or by lure or by deception; scarce resources especially land have been misappropriated by a few sharks, and the rest are either mortgagors or tenants; stealth tools like mind control, gang stalking, forced suicides, etc, are being used on unsuspecting individuals for no good reason except for some arbitrary notions somewhere that they are prospective terrorists/rebels; the Judiciary has been unclothed, and the only garment it is wearing now is a blindfold, which is making it live in an illusion of modesty.

In such circumstances, the emergence of outlaws is but necessary, and the Maoists are the best amongst the available choices: Maoists, Mujaheedins, mafia, ULFA, *et al*. The Mujaheedins have no respect for women, and also they are less relevant in India except Kashmir (if you want to call it a part of India), and I hope it so remains; the mafia are opportunists; the ULFA are localized with no global strategy; but the Maoists have been time-tested in a part of India and offer the best bet for money. But, I only hope some people somewhere come up

with a better alternative; till then, the Maoists are the most relevant alternative political force in India. © 2014-2015 Ankur Mutreja

Chapter 4.6.2: Elections

Elections are a tool of reaching a compromise between the sparring members of a group. The best deliberation is obviously the one which genuinely ends into a unanimous decision because a single wise vote is any time better than a stupid majority. However, unanimity is seldom a possibility; the bigger the group the lesser the chances of reaching a unanimous decision. Therefore, the elections become important from the reason of practicality; however, anybody institutionalizing elections as a panacea to intra-group conflicts or recognizing it as an integral institution of Democracy is guilty of lack of common-sense. Given the above perspective, the aim should always be to stay circumspect of the dangers of elections in derailing Democracy.

Democracy, as taught in schools, is a system ensuring government by the people, of the people, for the people; elections can rarely ensure a government by the people leave aside their ensuring a government of the people or for the people; elections are a poor compromise; period. Thus, any system where millions of people elect a single person, the president, as an omnipotent head of the government can\x92t be a Democracy; nor can a system which elects a few parliamentarian from amongst a billion be a Democracy \x97 certainly not when there are only a few political parties in the fray, and at least one of these parties projects a single man as a \x93God\x94, literally, and the people vote for a \x93God\x94, not men. In fact, party politics is the biggest hindrance to Democracy: The people are duped by the parties through all kind of formal and informal inducements, and the rulers rule over the innocence of the people. Furthermore, the politicians\x92 role in the present day governments is diminishing: The things have become hyper specialized, and the specialists including managers selected through time-tested non-electoral processes make incremental changes while maintaining the *status quo* in general. This approach to governance is certainly conservative, but it works well. The role of the politicians is thus restricted to greasing the government machinery by removing serious bottlenecks and coordinating efforts as ministers; other than this, they may occasionally voice public opinions and check government over-reach, though I believe apolitical activists do it far better by ensuring the principles of Democracy like \x93the Rule of Law\x94, \x93Free and Fair Elections\x94, \x93Separation of Power\x94, \x93Freedom of Press\x94, \x93the Trump of Human Rights\x94, etc; all other roles of the politicians are corrupt and a hurdle

to Democracy.

Elections in the current paradigm are, therefore, the interest area of the activists and the public at large, who would like to ensure free and fair elections with the clear aim of choosing the best persons amongst themselves for governance. Elections can be free and fair only if each and every process, right from the announcement of dates to the declaration of results, especially the counting of votes, is well-documented, well-deliberated, well-publicized, well-objected and well-corrected. This can happen if the stakeholders have wide and streamlined access to the electoral processes, and they feel passionate towards getting involved in them. They certainly can\x92t feel passionate in checking a process from which they are disengaged by an overwhelming presence of many similar stakeholders competing with one-another to do the same, i.e. to check the process: They would feel bored, tired and disengaged in such a competition. Thus the competition ought to be restricted to a few people \x97 ideally not more than 100 people \x97 i.e., an elected representative shouldn\x92t represent anything more than 100 people; which means, in a country like India of population around 1 billion, there should be around 10 million elected representatives, not just 545 MPs. How these elected representatives should then further deliberate amongst themselves to form the governments at various levels, and what checks and balances need to be put in place to ensure that those who have lost representation of the people are weeded out, is a matter of debate; however, with the advantage of hindsight, I am ruling out party politics as an alternative. Obviously, the group processes hereon should be more complicated and should require the prioritized intervention of the specialists as well. The aim should be to ensure that the few people selected/elected as ministers from amongst the 10 million elected representatives are best suited for the jobs at stake, and to ensure that nobody can ill-exploit his status for infringing the human rights of those who elected him. I can clearly see many more deliberations and elections on the way, but, how exactly? That, I don\x92t know. In fact, I don\x92t think there can be any single well laid out process: It should be a constant spinning, producing different results at different times, and the players of Democracy need to understand and adjust accordingly. The cost of this kind of democratic deliberations would certainly be very high, and the choice to be made: Is the idea of Democracy worth the cost? © 2014-2015 Ankur Mutreja

Chapter 4.6.3: Politics of Cash Tranfers

> *Anyone who believes that all economists are dull never met Joan Robinson (1903 \x96 1983), who, along with Edward Chamberlin, developed the theory of imperfect competition in the 1930s. Called \x91the magnificent Joan\x92 by some, and less printable names by others, Robinson \x96 a professor at Cambridge, England \x96 was justly renowned for taking controversial positions. She made her first mark in 1933 with the publication of* ***\x91The Economics of Imperfect Competition\x92****, which broke away from the assumption of perfect competition that had dominated the economics profession. Later, as one of the earliest and most visible proponents of Keynesian macroeconomics, Robinson engaged in vehement disputes with several prominent American economists on the meaning of capital and the viability of capitalism. Toward the end of her career she increasingly worried about the distribution of income and the instability of the capitalist system and* ***avoided use of the mathematical methods*** *that had become common in economics.* ***Some believe that she paid a high professional price for her iconoclasm for the Nobel Prize committee never recognized her rich and varied contributions to economic science****.* (emphasis supplied)
>
> Source: ECONOMICS, Fifteenth Edition (Pg. 151) by Paul A. Samuelson and William D. Nordhaus

The above quote from a market economics textbook would make a lot clear about my intention in writing this article. Herein, I am attempting to argue against any intervention of markets in deciding the food prices. But, before that, let me state the definitions of a few economic terms quoted again from the same book.

> ***Economic Good****: A good that is scarce relative to the total amount of it that is desired.*
>
> ***Perfect Competition****: Refers to market in which no firm or consumer is large enough to affect the market price. This situation arises where (1) The numbers of sellers and buyers is very large and (2) the products offered by sellers are homogenous (or indistinguishable).*

> ***Price elasticity of demand****: A measure of the extent to which quantity demanded responds to a price change.*
>
> ***Price-inelastic demand****: The situation in which price elasticity of demand is below 1 in absolute value. In this case, when price declines, total revenue declines, and when price is increased, total revenue goes up.*

Before going any further, let me clearly state that I am the proponent of a situation where there is no scarcity of food, or, in other words, food ceases to be an economic good; and I am sure any right thinking person should have the same beliefs because there is no reason why the satisfaction of the most basic physiological need be an economic good. The question: Can it happen under a market economics based system, which assumes perfect competition, or, in other words, can it happen under Capitalism? My answer is a big no; not only because the perfect competition is impossible but also because even when it is achieved in theory, it doesn\x92t guarantee the non-accumulation of scarce resources by a few.

Let me first tackle the problem of imperfect competition. There can be no resource scarcer than food if it is manipulated to be so. Food items have highly price-inelastic demand; i.e., if some manipulators want, they can very easily increase the prices of the food items to whatever levels without affecting the demand for the food items and can keep churning high revenues for themselves. This would obviously happen in the case of imperfect competition, i.e. under monopoly or oligopoly or monopolistic competition. It is widely believed that agricultural products can be sold as commodities in commodity exchanges; therefore, the perfect competition is possible. However, without much knowledge of Economics, I am intuitively inclined to believe that this is an illusion. Perfect competition is impossible even when the conditions mentioned above in the definition of perfect competition are satisfied; the reason being all theories of perfect competition assume rational decision-making, which is itself a scarce resource among humans; and there are umpteen examples when the supposedly perfectly competitive markets, i.e. the financial markets, have been completely butchered by the actions of a few. The irony is that even after the biggest failure of Capitalism, i.e. the US Financial Crisis, the very same capitalists have been successful in making complete fool of the people, not only in the US but across the globe including India, where the PM is the most faithful supporter/follower of the classical economics and is almost single-handedly

forcing his stupid beliefs on the country especially the poor, who are ignorant of everything else except for their most immediate need of securing square meals a day. So, my conclusion: There is no possibility of a perfect competition in any kind of market or situation, and all Capitalism is Crony Capitalism; i.e., the only possibility is an imperfect competition. Unfortunately, I have not read \x93The Economics of Imperfect Competition\x94, but, I think, my first proposition that there can be no resource scarcer than food if it is manipulated to be so, stands valid, whatever.

Coming to the second problem of unequal distribution assuming there is perfect competition. After Keynes, even the most ardent supporters of market economics have come to terms with the fact that the Dollar/Rupee votes *per se* don\x92t guarantee equal distribution of economic goods; i.e., one\x92s ability to buy economic goods, which is dependent upon one\x92s earnings, is not in alignment with the equality of opportunity; i.e., a person dying of hunger may die if he doesn\x92t have money to buy food, whereas some fat asses shall promote fine dining irrespective of their inability to enjoy the same because of the presence of incidental fissures in their fat arses. When the economists realized this problem of unequal distribution, they also realized the necessity of redistributive systems like progressive taxation, transfer payments (**CASH TRANSFERS**) and subsidies.

India has a well laid out public distribution system (PDS), which provides subsidized food items to the poor. However, the present government is trying to replace it with the cash transfer system (CTS) for the reason that the fruits of the PDS system are not reaching the people for whom they are meant, but, to the middlemen; and it is believed that the technology driven cash transfers system will check corruption \x97 the infringement of privacy of the poor via the use of technology is a prison, which the existing prisoners of poverty are in no position to debate. The basic difference between the two systems, i.e. the PDS and the CTS, is that the PDS system is theoretically a non-market based system and is a remnant of the command economy, whereas the CTS fits into the market based capitalist system as the cash is used to buy goods in the open markets. I personally prefer the PDS to the CTS because I am a strong believer that Capitalism *per se* is a flawed ideology \x97 I believe it is rather necessary to be not on the production possibility frontier (PPF) to be socially efficient. However, when it comes to food, I have no doubts whatsoever that food has to cease to be an economic good if the humanity has to prosper or even survive, which means

there should be no economic value attached to food like none is attached to the air we breathe. Unfortunately, we have attached economic value to every natural resource, whether land or water. Where it was not possible to attach the value directly, as in the case of water, we created differentiation first by polluting the natural water by industrial and urban waste and then by attaching value to the bottled potable water. I wonder if someday economic value will also be attached to the fresh air we breathe, by selling fresh air in cylinders. But the question: Why should the poor be made to pay for the ill-deeds of the rich? just because they are ignorant? or just because they don\x92t have a lobby? The politicians are the worst animals that exist on this planet: They first misappropriate the democratic votes of the poor by deceit and then transfer them to the rich by converting them into their Dollar/Rupee votes, which the rich use to build mansions and, in return, finance the Swiss bank accounts of the politicians. If it wasn\x92t so, it doesn\x92t take the mind of a rocket scientist to realize that **the best way to help a hungry poor man is by feeding him with cooked food, not by giving him cash to buy food items in the open markets**, where the manipulators already have or will, sooner rather later, increase the food prices taking advantage of the highly price-inelastic demand of the food items. These manipulators/crony capitalists/capitalists will, obviously, never ever recognize the contribution of economists like Joan Robinson but, it seems, will willingly give a Noble prize to the Indian _____. © 2012-2015 Ankur Mutreja

Chapter 4.6.4: Gandhism: A Benevolent Illusion

Mankind lives in illusions. Deprived of illusions, human mind is too weak to make the human body survive. \x93God\x94 is the biggest illusion of all; \x93Money\x94 is another; \x93Democracy\x94, yet another; etc. No healthy sane human being can live without at least some of these illusions. These illusions are contextually benevolent or malevolent. In India, \x93God\x94 is a malevolent illusion, and, in the USA, \x93Money\x94 (the power of money) is a malevolent illusion. Gandhism is also one such illusion; however it is a benevolent illusion in the present Indian context.

Gandhi\x92s philosophy, if described in one word, is \x93Non-Violence\x94. I would say Gandhi was a very wise/clever thinker, who activated his thinking during his lifetime. This is a really big achievement, and that\x92s probably because of the simplicity of his thinking. He realized very soon that his weak frail body was no match for the mighty force of the powerful (British included), so he adopted a feminine attitude of non-violence pursued with adamant perseverance. The strength to take ridicule objectively lies only in a female psyche; male masculinity is no match for the female perseverance. However, there is a catch: women are safe only till the time men think it wrong to use violence against women; the moment they give up this illusion, the woman power comes to an end unless the woman uses violence. Therefore, the woman power comes to an end almost immediately in marriage as it gives license (keeping Domestic Violence Act aside for the time being) to the man to use violence (sexual and other) against the woman. Gandhism is similar: The Gandhian activists can survive only till the time the powerful elite of the society, i.e. the military, the police, the politicians and the like, keep living under the illusion of workability of Gandhism \x97 it has almost become part of the Indian ethos; however, the challenges are emerging.

Before discussing the challenges, let\x92s understand why Gandhism is a benevolent illusion in the present day India. The present day India is a society in the state of flux. The old notions of simplicity, honesty, sincerity, etc, are being replaced with pompous display, pragmatism, street smartness, etc. It is clear that there are forces in the media, the politics, the government, the religion and the society at large, which are actively pursuing this change. However, at the same time, there are also a few resistors to the change, who are more or less following Gandhism (\x93Gandhians with a Gun\x94 included). And the only viable option

available to these resistors is Gandhism because use of any alternative method will kill them instantly. I say that the change *per se*, and the way it is happening in India, is not \x93good\x94. \x93Good\x94 and \x93bad\x94 are terms as we understand naturally; for example, for me, killing someone is generally \x93bad\x94 and helping someone is generally \x93good\x94, and I need not elaborate it any further \x97 if one doesn\x92t define \x93good\x94 and \x93bad\x94 generally but contextually, then, obviously, I am at conflict with him or her, and my thinking will never convince him or her.

I say that Gandhism failed during the rule of the British mainly because the British were aliens and never truly respected the Gandhians, or, in other words, they were under no illusion. However, the present day India is living under an illusion of workability of Gandhism, and this is the most benevolent illusion for India. But, the challenges are already being posed to this illusion reflected in the killings of RTI activists in Maharashtra, further reflected in the growing power of the builder lobby in Maharashtra \x97 BTW, most of the RTI murders in Maharashtra are also associated with builders. It seems the males (females in the nature of males and the military included) have understood the illusion. What is happening in Maharashtra is posing a real challenge to Gandhism, and the prospect of its replication in other parts of India is frightening. It seems those ideological groups who believe in the male masculinity are winning. I only hope this benevolent illusion survives for a very long time to come! © 2012-2015 Ankur Mutreja

Chapter 4.6.5: Capitalism Is Fundamentally Flawed

Entrepreneurship is claimed to be the most important positive ramification of Capitalism. Well, business entrepreneurship is indeed a very important ramification of Capitalism, but entrepreneurship is not just about business entrepreneurship; in fact, Capitalism subdues the other forms of entrepreneurship for the benefit of business entrepreneurship. Moreover, entrepreneurship is a painful and risky calling, and not everybody is interested in taking it up; furthermore, the growth of big business entrepreneurship increases the entry cost for new entrants; so, eventually, the majority end up working for the big business entrepreneurs or, should we say, are forced to work for the big business entrepreneurs, for either they have no other option or they get frustrated taking huge risks for small benefits. Creativity takes a backseat, and \x93work for money\x94 becomes the most important consideration for employment \x97 no behemoth can offer creative fulfillment, Google or Facebook; the most they can offer is the satisfaction of basic needs like the security needs. Ironically, the most important promise of Capitalism is what is reneged the most under Capitalism.

However, the misery doesn\x92t end here. The satisfaction of basic needs, even in developed countries like the USA and the UK, is guaranteed only to a few. The markets become the reference point for all social and professional engagements and are superficially projected as the perfect models for engagements, but, in fact, they can never be perfect for the people never make ideal rational choices, whether individually or in groups; so there is always a cause for imperfection. Rather the escalation of commitment to the market based economy produces cronyism in search of rationalism within a closed group, which leads to elitism protected to the hilt through biased governance \x97 something which is happening in India right now. The natural ramification is the exploitation of the poor under the promise of satisfaction of their most basic physiological need of hunger, which they could have anyways satisfied in any damn system.

Eventually, the solace is searched in the form of numbers like growth (GDP), employment, etc, which the majority doesn\x92t understand, nor does it make any sense even otherwise. Activity is a physiological need and employment is just a means; a body will always find ways to stay active in order to survive; rather, in the tertiary sector, the body tends to become inactive in desk jobs, which accompanied by stress makes life miserable. The truth is that, under

Capitalism, the humans are considered no more important than the resources like capital and land, and \x93unemployment\x94 is considered as a source of economic inefficiency, which may or may not be the case: An artist, if given the guarantee of satisfaction of his basic needs, can do wonders to the society, which contribution doesn\x92t get accounted for in a capitalist system unless he churns millions in five-star concerts or produces filthy item numbers for the Bollywood. Growth is the most misunderstood number. There can just be no growth without distribution, and it is never the other way round. The man, through the exploitation of natural resources, has created material benefits for itself, more often than not, at the cost of destruction of natural resources, which cost never gets accounted for; the US has been at the forefront of this exploitation. This exploitation leads to accumulation of both short-term and long-term capital in multifarious forms (including food, durables, housing, technology, etc), a part of which is consumed and the other is applied further to make more capital and so on and so forth. The real growth as far as the individuals are concerned comes from the re-distribution of capital, which, if left alone to the markets, is reflected in the Dollar/Rupee votes, that is the earnings (disposable incomes) of the individuals. Ironically, over the history of Capitalism, the capital has flown from the poor countries to the already rich countries \x97 the Colonization was the one most important medium of such a flow, and, now, it seems, the US has found an even better medium through Globalization. And that\x92s the truth of Capitalism: It allows the producers to supply as much as they can and, under imperfect competition (which is the only truth), at whatever prices they wish and forces the consumers to purchase from the producers; and that\x92s because it assumes that the only way an economy can be efficient is by being on its Production Possibility Frontier (PPF).

Even if we were to argue that the exploitation of resources is the real reason for universal growth, then also it is debatable whether the growth, as it takes place in the capitalist systems, does any good to the people, and, if yes, at what cost! Is there a better way to achieve the same, or a slightly lesser, growth with far greater satisfaction? The man is served the most if they are left free and independent to pursue their callings in the way found most suitable by them and at the place found most suitable by them, and this can happen only if there is equality of opportunity. Capitalism can never guarantee equality: It feigns to award merit, which *per se* is perfectly in alignment with the equality of opportunity, but, in fact, it awards obsequiousness of the powerful, and this obsequiousness becomes the only opening for opportunities. The free access to

natural resources like the land, rivers, minerals, the flora and the fauna becomes subject to the \x93law of the land\x94, which, in a capitalist economy, favors the large-scale commercial exploitation by big entrepreneurs; and a price tag is, thus, put up on all resources. The day air becomes a prized commodity, humanity will cease to exist, and that day also seems not too far.

I am surprised how Capitalism is thriving in so many countries; this only shows the stupidity of men, which Einstein recognized rightly in his quote: \x93Two things are infinite, the universe and human stupidity, and I am not yet completely sure about the universe.\x94 © 2012-2015 Ankur Mutreja

Chapter 4.6.6: Indian Politics in Reference Anna Hazaare

(As written at the time of Anna Hazaare Agitation)

Anna Hazaare is the most dangerous thing to have happened to Indian politics. He is a fake copy of Gandhi. I pity those people who become brands because they have no life of their own and are nothing more than just commodities. A human brand in politics is the worst. The brand Gandhi was managed by the Congress, who seem to have abandoned it now. And, the S*angh Parivar* seems to have captured the opportunity: they have chosen a person who has lived the life of a miser for several years. The RSS is fond of people who live in misery: that is why they never allow women to come anywhere close to them because women are considered as a doorstep to materialistic pleasures by the RSS. I have no doubt whatsoever that the RSS is the most crooked political group in India. People have a natural affinity for those who live simplistically, and the RSS takes full advantage of this propensity of people to further their ulterior motives. The RSS is dedicated to the ideology of so-called *Hindutva*, which, after lots of thinking and research, I have found nothing more than an Indian replica of right-wing extremism of the West. The right wingers are nothing more than the agents of the business, small or big. All their activities are targeted towards maintaining the capitalistic order. The military and the police of the states often end up collaborating with the right wingers in furtherance of the business interest. A similar thing is happening in India too. Rather, India has become just like the UK, which is by far the worst country in the world. The business has become the biggest force, and the Indian military, the para-military and the police are helping the business grow by not only providing protection to them but also by actively working as their agent. Unfortunately, presently, there is not a single political party in India which is not helping the business in some way or the other in its nefarious activities.

In this scenario, the people felt the need for a political group which could give them a ray of hope. The opportunity has been misappropriated by the business by projecting Anna Hazaare. The BJP, as expected, provided active support, and the Congress kept mum. Even the Left came out in support. However, at the same time, Baba Ramdev also came into the limelight propped up by the Congress this time. In fact, Baba Ramdev, unlike Anna Hazaare, is not a miser by any means. He seems to have felt dejected when Anna Hazaare got all the

limelight even though he was also the founding member of India against Corruption (IAC). The things, it seems, turned sour with the Congress, and Baba Ramdev once again turned towards the BJP/RSS, and the rest is history. Most interesting is the reaction of CPM\x92s Brinda Karat to all this. She, who till not long time ago was the biggest critic of Baba Ramdev, came out in open support of Baba Ramdev. Therefore, I say, there is now a political vacuum in India. Every political party is now on the same side. The BJP and the Congress just keep fighting with each other for the sake of it, as do Coke and Pepsi.

Coming back to Anna Hazaare; this bunch of so-called activists, who came together under the umbrella brand of IAC are nothing but moderate right wingers affiliated to the BJP/RSS. They are basically opponent of the NAC, which is the activist group of the Congress. Things in the Congress are generally more straightforward, and in the BJP, more subtle; therefore the Congress has come under the big grip of this corruption agitation; however, I know for a fact that the BJP/RSS have institutionalized corruption in their socio-economic activities. Nevertheless, corruption is corruption, whosoever does it in whatsoever way, is guilty, whether it\x92s the Congress or the BJP. This is where Anna Hazaare comes into picture. He has been highlighted as a corruption free individual, but, in fact, he is none better. He has, rather, done the biggest corruption by adopting the Gandhi brand name. He is nowhere like Gandhi. His thoughts are always violent: Nobody, except Anna Hazaare, endorsed a stringent law for the protection of journalists when journalists themselves don\x92t prefer it. The Lokpal Bill was full of such stringent measures, ironically, more for those who make complaints under the act: I have nowhere heard of a complainant going in jail for one year for making a frivolous complaint. The message is clear: only the political criminals, who can afford to keep an army of people ready to go in jail, shall file complaints against the Lokpal.

The emergence of Anna Hazaare is the most dangerous thing because he has misappropriated that political space which was reserved for the true servants of the people. By the time people will realize this, they would have become either the guinea pigs or the sex workers. India has become vulnerable to all sorts of criminals and will be butchered in the way one Mustafa was butchered in Bihar by the criminals in khaki, i.e. Police (Re: Ch. 4.6.8). © 2011-2015 Ankur Mutreja

Chapter 4.6.7: Scope for the Left in India: Indo-Anarchism

(As written when Mamata Banerjee formed the government in WB)

The debacle of the Left in WB is politically very significant. The victory of Mamta Banerjee is reinforcement of the fact that voting in India is irrelevant as far as rational decision-making is concerned. This makes me partially believe in the allegations of Mamta Banerjee that the elections in the past were rigged in WB because I don\x92t see any reason for the newer generation of WB to be having lesser wisdom than the older generation. I think the older generation didn\x92t have a choice. Mamta Banerjee doesn\x92t boast of the intellectual superiority of the Left, and some of the intellectual faces of the TMC don\x92t match up anywhere to the Leftist intellectuals, but the intellectuals can\x92t win elections; for winning elections, we need mass leaders; Buddhadeb Bhattacharjee has failed badly against Mamta Banerjee. According to me, the main reason for the Left debacle in WB is their lack of inherent ability to adjust to the new India. If they were to change their ideology, they would no more be the Marxist, and their current ideology can\x92t make them win elections in India now. So, they are now over in electoral politics unless they become complete scoundrels by aligning fully and completely with the Right.

Rather, I have come to believe that no party having Leftist inclinations can survive electoral politics in India now. However, I do believe a new form of Anarchism, which would also be a Leftist ideology, will become extremely relevant in the coming times in India. Let\x92s call it Indo-Anarchism. Unlike the traditional Anarchism, the Indo-Anarchism ought to be pacifist of the style of Gandhi; but, to survive it ought to be devoid of Gandhi. Females seem to be the natural contenders for the portfolios, if any. The political involvement ought to be restricted to resistance and opposition. However, it won\x92t be unusual if there is maintained a reserve force of healthy males and females, who would be used against the State and the State supported forces contextually just out of extreme necessity without any ideology. Any conflict ought to be resolved and planned within the realm of accepted institutions of law not because of respect but out of fear for them. Call it new guerrilla warfare if you would, but, to so remain, it ought to be restrained and infrequent, else it will lose its surprise element.

But, the question: what is the responsibility of such an ideology! Responsibility of such an ideology lies in the exposure of corruption of the ruling elite but not necessarily in its correction. However, if it fails to expose, it has no identity. Of course, the aim ought to be to move towards no concentration of power in the State but without any game plan to do the same. Thus, there can not be any scope for the growth of any popular leaders under this ideology. Rather, the real achievers/leaders of this ideology would be those who would choose the life of comparative materialistic austerity as a rational choice for achieving self-actualization with minimal satisfaction of basic needs but with lots of **freedom including privacy.** (I think Maslow was wrong: self-actualization needs can be satisfied even with the bare minimum satisfaction of basic needs; the most important pre-condition is freedom). And, the efforts would be directed towards making all people achieve such a status, which would give appropriate power to an individual governed by the imagination, creativity, intelligence and integrity of his mind and mental processes. When such a status is achieved by all, there would obviously be anarchy!

Disclosure: I am not an Anarchist. ©2011-2015 Ankur Mutreja

Chapter 4.6.8: Politics of Violence

The politics of violence was the easiest in the times of the kings and the feudal lords. The politics of violence is very easy to understand: Whoever has more power than others can and does use his resources illegally and/or immorally to frighten the logical side of the weak. The violence, therefore, need not necessarily be physical. It can take any form which can have the effect of frightening the logical side of a person and thereby restricting his logical thinking ability. Though I have strong reservations to the Domestic Violence Act of India, but I do admit that the definition of violence is best enumerated in the DV Act. The violence, as defined in the DV Act, includes physical abuse, sexual abuse, verbal abuse, economic abuse and emotional abuse.



The best example of physical abuse can be found in the picture (source: http://www.tehelka.com/beat-a-man-to-death-then-jump-on-him-thats-what-these-cops-did-in-bihar/) on the left; of sexual abuse in Thailand, where a whole class has been made sex workers; of verbal abuse in the Indian sub-continent, where the classiest of abuses are flowered on weak people, esp. women, at the first available opportunity, and now the Indian movies are institutionalizing it; of economic abuse in the acts of the corporates/businessmen, who enslave people for peanuts; and of emotional abuse in the life of Stephen Hawking, who was not even allowed the uninterrupted company of a nurse. Of all the above, the last category of abuse, i.e. emotional abuse, is the worst because it attacks the mind directly and is the most difficult to counter-attack \x97 I am in awe of Stephen Hawking, who has not let his logical thinking get deterred in spite of all the emotional abuses.

There is no doubt in my mind that the only answer to a violent attack is a violent counter-attack. Some people may have very strong inherent resistance to

violence, so they may not counter-attack, but, if given an opportunity, the most would attack in some form or the other.

Of all the abuses, the easiest abuse is the physical abuse, both for the strong and the weak. Rather it is the only escape available to the weak. That\x92s why I say that the politics of violence at the times of the kings and the feudal lords was the easiest. The kings and the feudal lords just had to do as much physical abuse as necessary to rule, and the weak could out-power by doing a little more.

However, with the advent of Democracy, things have changed. The law has become important. Physical abuse, more often than not, has to be in line with the law as wished by the law makers and as enforced by the law enforcers, and, when it is not, the repercussions are exemplary. The sexual abuse against a woman often gets intermingled with physical abuse, and it would not be wrong to say that sexual abuse against women is equal to physical abuse against men. The violent counter-attack against the two forms of abuses in the form of self-defense is well-recognized under law; however, the other forms of violence have, more or less, gone unnoticed. The law, in no country of the world, has reached a stage where it can take care of all kinds of violence. Rather some of the most developed states like the USA and Canada perpetrate economic and emotional abuses. The USA is notorious of suppressing the second generation human rights and is actively involved in abusing the third generation human rights (*via* global warming) of the third world countries.

However, the biggest threat to the rights of people at large is the invasion of their privacy. No form of violence, whether be it physical abuse, sexual abuse, verbal abuse, economic abuse or emotional abuse, can be perpetrated without infringing the privacy of a person; however, economic abuse and emotional abuse must have the long-term institutionalized invasion of privacy, and these two forms of violence fall completely outside the purview of law in practice. Thus, the best way of ruling today is by infringing the privacy of the people at large. The powerhouse of the world; i.e., the forces, the corporate, the politicians, etc; are presently busy laying out the infrastructure for institutionalized invasion of privacy. The most developed country in this sphere is, undoubtedly, the UK. The large-scale invasion of privacy leaves no option for the weak but to enslave themselves voluntarily with the powerful; and the majority, thus, end up adopting the ways and manners of the politicians; and a well set hierarchy of ruling elite is, thus, formed, in which no one is happy.

I really don\x92t know what stage is better: the stage we have reached today or

the stage that existed at the times of the kings and the feudal lords. Though I am not sure, but I think the opportunities for violent counter-attacks by the weak are far lesser now. At least, I, in spite of being a lawyer, have not been able to find the opportunities for violent counter-attacks in this age of complete invasion of privacy. © 2011-2015 Ankur Mutreja

Chapter 4.6.9: Lokpal

I think lokpal is a political personality and is a part of the institution of people\x92s representatives. In India, the politicians namely the MPs, the MLAs, the councilors, *the panchayat* members, etc, are people\x92s representatives. The judges are not people\x92s representatives, nor are the bureaucrats, and nor are the forces. An ombudsman is also undoubtedly a people\x92s representative looking after the grievance of people against their government; the grievance necessarily includes corruption complaints and extends to complaints against human rights violation in general. Thus, he can obviously not be selected and appointed by the government. He should ideally be elected with the right to recall, though may not be by the people directly, but through contextually relevant sections of society. Yes, it may not be universal adult franchise; rather, if a lokpal is to be appointed for grievances with respect to senior school education, the senior school students instead of their parents may have a say in the election of the Lokpal.

So, now since a lokpal has to be a people\x92s representative, he can well be a super power but only contextually; for example the Lokpal looking after the senior school education may not only be able to receive and inquire into the complaints against the incompetent teachers but may also be able to pass orders recommending dismissal of the teachers and/or to commit them to prosecution and/or to impose fine, but, then, he can\x92t receive complaints against the bureaucrats working in the secretariat; for that would be required another/other lokpal/s having the requisite qualifications. Of course, a lokpal has to come from the civil society and can\x92t be a politician. \x93Separation of Power\x94, \x93Independence of Judiciary\x94, etc, will not be disturbed if lokpal is not considered part of the Executive or the Judiciary or the Legislature but a forth pillar \x97 well the media will become the fifth pillar. The relevant constitutional changes are, of course, necessary.

The historical Anna Hazaare movement (historical because it\x92s the best example of the masses\x92 stupidity) suffered from the following fundamental problems:

1. Under the \x93Jan Lokpal Bill\x94, the selection and appointment of a lokpal was by the politicians and the government. Instead of the referendum, they should have thought of elections for the different categories of lokpals by the concerned stakeholders with the right to recall and could have also laid down the

pre-qualifications for the candidates and could have also defined the electorate. Then, they could have made him a super power as they did in the \x93Jan Lokpal Bill.\x94

2. There was no procedural clarity, and the focus was too much on legal knowledge. They should have detailed out government functions at various levels in various organizations and institutions and then provided for the offices of lokpals for various functions in various organizations and institutions, etc. Instead of drafting the bill, factor analysis, a statistical concept, should have been used and a research paper/concept should have been produced delineating the offices in the order of priority, wherein the Lokpals need to be appointed. Thereafter, in the first stage, the Lokpals could have been elected by the concerned stakeholders for the most important offices.

3. Most importantly, an ombudsman is just not a check on corruption: he is a trustee of people against the high-handedness of the government and its functionaries (including the private persons like the corporations); and, I think, the violation of the human rights is the biggest grievance that the people have against the government and its functionaries (without prejudice to the observation of the Supreme Court that corruption is the biggest violator of human rights).

So, lokpal is indeed a very important political entity but distinct from the politicians; rather arising from the strong felt need of the people to fill the vacuum left by the fake trustees of the people, i.e. the politicians, and from the need to fill the vacuum left by the failure of the constitutional norm of \x93Separation of Power\x94 to instill trust in the people \x97 I don\x92t mind calling lokpal by some other sexy name. © 2011-2015 Ankur Mutreja

Chapter 4.6.10: Defining Politics

To me, politics is intrinsically linked with power. Politics is inevitable whenever an individual interact with others or even otherwise. **Power is the ability to act.** Every individual has vested interest in acting. At the most basic level, a body needs to be active to survive, which also needs the power of limbs. Newborn children and infirms are dependent on others for even this basic an exercise of power. **This dependency on others leads to the need for politics for two reasons: first, to be able to act without resistance, and, secondly, to be able to seek help to surmount resistance, if any;** the more the power the lesser the resistance. The more difficult it is to overcome resistance, the more important is the role the \x93politicians\x94 play in the society. A society without resistance wouldn\x92t need \x93politicians\x94, therefore the \x93politicians\x94 have vested interest in maintaining resistance, and, therefore, they are the most despicable. So politics *per se* is not bad, it\x92s the \x93politicians\x94 who make it bad. They make it bad by misusing power. So, the goodness or the badness of politics is intrinsically linked to the goodness or the badness of the use of power possessed by the individuals in a particular society. © 2011-2015 Ankur Mutreja

Chapter 4.6.11: *Sangh Parivar* and the Strategy for Others

The *Sangh Parivar* is an extremely successful socio-political group covering all aspects of life. Their flagship organization, i.e. the Bhartiya Janta Party (BJP), is a well-known political party with strong influence over the well-educated-but-less-learned metro population (including the youth). The Rashtriya Swamsevak Sangh (RSS) is their ideological fountain, from where all ideas and strategies originate and is, undoubtedly, the most important asset of the *Sangh Parivar*, and it is, therefore, always in the line of fire of the opposition. The Vishwa Hindu Parishad (VHP) is their religio-activist group with an international appeal. The Akhil Bhartiya Vidhyarthi Parishad (ABVP) is their youth front and the grooming ground for the future leaders. The Bhartiya Mazdoor Sangh (BMS) is their labor union. Earlier, the Bajrang Dal used to be their outfit for openly violent activism/terrorism, but now many more such organizations have come up; e.g., Shri Ram Sene, Hindu Jagjagran Samiti, the Modi Sena (yes, there are some people in Gujarat who think of Modi as Shri Krishna and of his rivals as *Kaurvas*), the Shiv Sena (though it is a political outfit, but it mostly operates through openly violent activism/terrorism and is the closest ally of the BJP and a part and parcel of the *Sangh Parivar*), etc. These organizations work in tandem not only to gain control over the government but also to gain control over the whole society including over the lives of the people and operate under the banner of \x93Cultural Nationalism\x94 (whatever that means); the *modus operandi* is consistently conservative touching upon fascism. As an individual, I have the biggest problem with the *Sangh Parivar* because, amongst all, the *Sangh Parivar* penetrates the most into the private lives of the individuals; and, unlike the leftists (who are also collectivists), their methods are grossly unreasonable, abrupt, illegal and violent; but, frighteningly, they are also the cleverest and fully dedicated to the negative task of curbing the individual freedom. Their ideology is based on the presumption of man as an inherently irresponsible individual and, thus, the need for the control of society over individuals. They are, indeed, anti-individualists, not only in methods but also in ideology; and they get the biggest support from the business, as did Hitler. Off late, the group has also penetrated well enough into the forces, including police and military, which is the most dangerous development. If we trace the growth of *Sangh Parivar*, we find that the group has gained mileage only during the last

two decades, that is after the Economic Liberalization, which means the group has gained some serious support after the strict controls, especially reflected in the declaration of emergency by Indira Gandhi, have ended, and the business has gained independence. Though the group was active even pre-Independence in the form of a pro-Hindu outfit, namely the Hindu Mahasabha, but, post-Independence, it has grown more systematically with the RSS doing the ground work of increasing the dedicated membership of the group, thereby directly helping the political outfit the BJP. The VHP provides the short-term, heavy-duty stimulus to the political activities of the BJP by playing the ever successful religion card at the times of elections. They played this card most successfully through the \x93Ayodhya Rath Yatra\x94, which one event can be termed as the biggest short-term brand builder of the group, especially in the northern and the western part of India. However, the group has not been able to sustain control over North India as the branding exercise was definitely short-sighted, and not enough continuous and consistent ideological efforts were made to consolidate the attracted people. In West India; i.e., Gujarat, the parts of MP proximate to Gujarat and the southern Rajasthan, the parts of Maharashtra proximate to Gujarat, and the southern Rajasthan; the group has gained deep penetration, mostly through the ideological conversion of the people. However, now, it seems, the group has abandoned its extremist, religious outlook and acts contextually in accordance with the ground conditions. Though recently in Jammu they once again successfully used the same strategy of short-term brand building with success, but the circumstances this time were different: First, the movement led by \x93Amarnath Sangharsh Samiti\x94, which I would say is more or less an adjunct of the VHP, was being supported by the Indian Army and the NRIs, and, secondly, the disputed land was planned to be used for the sole purpose of accommodating the NRIs in five star comforts during the course of their religious tourism. So, whatever the showcasing, it was actually a property dispute, not a religious dispute, and I don\x92t think the group pre-planned it as a poll strategy, etc. In states like Chatisgarh, Orissa, Karnataka, etc., they seem to be adopting a different strategy, which I am discussing below by taking attack on the Mangalore pub as a case in study

Case in Study

Only with great effort, the *Sangh Parivar* has penetrated down south, and they want to consolidate their presence there by converting the masses ideologically. They very well know the power of the violent youth,

and they also very well know the propensity of the masses, in general, and men, in particular, in getting vicariously engaged in the showcasing of violence. This is what the group uses very effectively by providing a platform to the people to feel the false pretense of power \x97 of course, nobody is foolish enough to believe in power of votes. However, very few people understand or are interested in gaining the real power \x97 if it wasn\x92t so, the real power would have laid with the people, not with the politicians. These kinds of attacks, as in the Mangalore pub, is the easiest way to first consolidate the already converted masses and then to extend the appeal to other people. In the system which the group propounds, the message is very clear: The power of a person decides the justice the person gets, and since the women are relatively less powerful, they don\x92t deserve any justice and/or equal treatment; they need to sit at home in the service of the more powerful man, or else become prostitutes in the service of the powerful men. Any aberration to the above is dealt with very strongly, thus the attack on the Mangalore pub, which incidentally also served the dual purpose of spreading the ideology and giving vicarious feeling of power to the man. This strategy of using violence is not the only strategy which the group adopts, but it is the most effective, especially when it is clubbed with religious overtones.

The Achilles heel of the group is the non-presence of truly brave men in the group. For example, in the terrorist attack in Bombay, a Shiv Sena activist came face to face with one of the terrorist; till the time he didn\x92t see the gun, he was acting like a roaring tiger, but the moment the gun appeared, he ran back like a beaten dog (and even stopped barking). So, basically these people are extremely timid people, who can only attack in groups with pre-planned police, media and political support, but, without them, they can\x92t even defend themselves. And this is where the opportunity lies for the opponents. Given the kind of arrangements the *Sanghis* make before attacking people, it wouldn\x92t be very difficult for the opponents to get prior knowledge of the pre-planned attacks, and with the prior knowledge, they can defend: The law permits private defense of the person and the property of self and others. If at all, gain political mileage by defending people! © 2009-2015 Ankur Mutreja

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